

TO HASTEN MOTION TO RE-TRY FRANK

May Be Made This Week, Counsel Not Waiting for Final Burns Report.

FULL SOLUTION PROMISED

Detective Confident He Will Be Able to Bare All the Facts—Frank in High Spirits.

Special to The New York Times.

ATLANTA, Ga., March 23.—The extraordinary motion for a new trial for Leon M. Frank, condemned to death for the murder of Mary Phagan, probably will be filed this week. Luther Z. Rosser, senior counsel for the defense, has been at work on the motion for ten days, and it is now said to be practically complete. Reuben R. Arnold, also of the Frank defense, has just returned to the city, and after he goes over the motion with Mr. Rosser and the other attorneys it is said the document will be filed in the Superior Court. Judge Ben H. Hill will then set an early date, it is said, for the hearing.

It was generally expected that the defense would wait until a few days before the date set for Frank's execution, April 17, to file the motion in order that Detective W. J. Burns might have time to complete his investigation of the case. The change of tactics is taken as evidence of the strength of the motion and the confidence of the attorneys of the Frank defense.

That the motion will contain sensational evidence which never has been made public is certain. C. W. Burke, a detective in the employ of Mr. Rosser, and several other private detectives have been at work on the case since the day of the conviction of Frank, and much of the evidence developed by them has been carefully guarded.

Many of the points which the defense will use, however, have become public. The new theory in regard to the paper on which the "murder notes" was written will be used. The admission of Dr. H. F. Harris that the hair found on the lathe in the metal room was not that of Mary Phagan will be another point. Frank's time alibi will be strengthened by the testimony of Mrs. Ethel Harris Miller of Chattanooga. The affidavits of Albert McKnight and George Epps, Jr., the one repudiating his whole testimony and the other several important points in his statement at the trial, and similar affidavits will form an important part of the motion.

Complete Solution, Says Burns.

"On leaving Atlanta for a day or two I want to reiterate more strongly than ever that there is no question as to our ability to furnish an absolutely perfect and complete detailed account of how this murder occurred and who is responsible for it," said Detective Burns to-day, just before he left for New York to follow a new angle of the Frank case.

"We will establish these facts," he continued, "to the satisfaction of the most skeptical. I know the people of this community were justly incensed over the atrocious murder. The officials charged with the duty of bringing to justice the person or persons responsible for the crime are to be commended for the vigorous manner in which they took up the investigation and prosecution. I am satisfied they were not influenced by any prejudice, but were moved by the desire to do their duty. I am therefore certain that their minds are open to conviction, and that they will be glad to get at the facts.

"We will show, however, that some persons connected with the gathering of evidence were moved by a desire other than getting at the facts. They were probably inspired by a desire to gain notoriety, and perhaps the rewards offered. This is unfortunate, as it has tended to reflect on private detectives who seek to do their duty honestly. I hope the police officials will be more careful in future, and not permit themselves to be imposed upon."

Investigating Every Angle.

It is not now considered likely that Burns will have his final report on the case ready before the last of next week.

if by that time. The detective declares he is investigating every angle of the case, regardless of how insignificant it may seem. He admitted that he would investigate fully the significance of the "murder notes" having been written on an old order pad used in the office when Henry F. Becker was master mechanic at the pencil factory in 1909. Mr. Burns said he would talk with Mr. Becker at his home in Irvington, N. J., and would go over with him the custom that prevailed in the factory in respect to the disposal of old order pads and other practices that might have a bearing on the case.

Detective Burns also, it is expected, will see Nina Formby, the woman who recently charged that she was plied with whisky by detectives and was led to make a defamatory affidavit against Frank, the most important accusation being that he called her up on the night of the murder and asked permission to take a girl to her home, telling her that it was a matter of "life or death."

Frank and his attorneys were in high spirits to-day. They seem to feel confident that the motion for a new trial will be granted.

STATE OWNERSHIP FAILS.

Municipal Management of Utilities Not a Success, Says Williams.

Speaking about municipal ownership of public utilities before the Finance Forum of the West Side Y. M. C. A. last night Arthur Williams of the New York Edison Company said that there were no less than 211 examples of such ownership or operation in this country in which the effort had ended in failure. Official records, said he, showed that private service quickly followed public service in every case.

The speaker selected the State-owned railroad of Texas as an example of the non-success of civic management of the common carriers.

"The experience of Texas was costly and unsatisfactory," he said, "and the railway will pass to private operation as soon as a buyer can be found. Between January, 1911, and August, 1913, the State lost nearly \$100,000, according to the Governor's special message to last year's Legislature.

"Our own city a few years ago undertook the construction of a municipal lighting plant for one of the bridges and some adjacent city property. As a result of a comparative study originated by the officials of the city it was found that the service of the private corporation was more satisfactory and cheaper, and after a loss of \$108,993, as reported by the experts, the municipal project was abandoned in favor of a private corporation."

BELMONT ALIMONY SUIT.

Trial May End To-day to Avoid Further Publicity.

Mrs. Ethel Lorraine Belmont's suit for a separation and alimony from her husband, Raymond Belmont, the son of August Belmont, will come up again before Justice Greenbaum in Part III. of the Supreme Court this afternoon. Every effort will be made by the lawyers to conclude it so as to avoid any further publicity.

Mr. Belmont's counsel admitted that efforts had been made to settle the case without publicity, but it was found to be impossible. They said that Mr. Belmont was not in a position to pay very much alimony, as all the money he has is \$40,000. The rest of the \$150,000 he received when he came of age he spent upon his wife and himself.