

BURNS UNABLE TO APPEAR.

Wife's Illness Prevents Him Answering Contempt Charge in Frank Case.

Special to The New York Times.

ATLANTA, Ga., May 10.—Detective W. J. Burns will not appear before Judge B. H. Hill on Tuesday to answer the charge of contempt growing out of the spiriting away of the negress Annie Maude Carter after she had sworn to an affidavit that the negro, Jim Conley, confessed to her that he killed Mary Phagan, and that Leo M. Frank was innocent. Mr. Burns wired to-day from New York that he would not be able to appear because of the serious illness of his wife.

Dan Lehon, Mr. Burns's chief assistant, will appear, however, with counsel, and fight the contempt charges. Lehon is already under bond to testify before the Grand Jury.

Mr. Burns and Lehon have employed Judge Arthur Powell to represent them not only in the contempt case but before the Grand Jury when it takes up the charges of bribery and subornation of perjury.

Judge Hill will not write an opinion when he certifies to the bill of exceptions which will be presented before the Supreme Court in the appeal of Frank's counsel for a new trial.

"I do not want to put myself in the light of advocating an adverse decision from the Supreme Court, and will therefore not write the remarks," he said.

The prospective entry of Solicitor Hugh Dorsey into the race for Governor means that the Frank case will be argued on every stump in Georgia. The successful prosecution of Frank has made Mr. Dorsey very popular, and it is generally conceded that he can be nominated for Governor.

With Mr. Dorsey as Governor there would be absolutely no hope of executive clemency for Frank. Many of Solicitor Dorsey's friends are urging him not to run, as they believe great harm will result from making the Frank case an issue in State politics.

To Succeed the Rev. Dr. Brady.

The Rev. Melford L. Brown, assistant pastor of All Angels' Church in West End Avenue, who has been elected rector of the Episcopal Church of the Ascension in Mount Vernon, accepted the call yesterday. He will succeed the Rev. Dr. Cyrus Townsend Brady, the novelist, who resigned some time ago.