

# FRANK IS INNOCENT, BURNS NOW STATES

Will Also Show Alleged Slayer  
of Child to be of Good Char-  
acter, Detective Adds.

## PLEA FOR NEW TRIAL TO-DAY

Frank's Lawyers Accuse Atlanta  
Police of Petting Witnesses to  
Get Damaging Evidence.

Special to The New York Times.

ATLANTA, April 21.—On the eve of the hearing of the motion for a new trial of Leo M. Frank, convicted of the murder of the little girl, Mary Phagan, comes the positive statement from Detective William J. Burns that Frank was not the child's slayer.

"My report will prove beyond the shadow of a doubt who murdered the little girl," said Detective Burns today. "It will convince Solicitor Hugh Dorsey and the Police Department of Leo M. Frank's innocence." He also said it would prove that the charges of abnormality made against Frank were false, and that "his character is as good as that of any man in Atlanta."

"Frank did not kill Mary Phagan, and my report will contain evidence proving it," he added.

Mr. Burns refused to divulge the contents of his report, nor would he say whether the murderer was a white man or a negro.

"My report will show that," he said. "It probably will be made public within a day or two. I completed it this morning and am ready to turn it over to Frank's attorneys. It will be given to the public by them."

Attorneys for Frank refused to say when the report would be made public, nor whether it would be released before or after the hearing of the motion for a new trial before Judge Ben Hill on Wednesday.

Burns reiterated his statement that the murder was committed by an abnormal person, and that he had proof of that assertion, adding:

"The report also will clear up the mystery of the disappearance of the ribbons and flowers which Mary Phagan wore upon her hat, and will clear other features that heretofore have been puzzling."

Mr. Burns called for the first time at the police station this afternoon to see the Chief of Detectives, Newport Lanford, to gain knowledge of the affidavits against Leo M. Frank, said to be in the possession of the Chief of Detectives, but his request was flatly refused by Lanford on the ground that the latter did not believe their publicity would be just to himself, to the State, or even to Frank until after the hearing of the motion for a new trial.

"At the trial of Frank, we did not bring up the subject of abnormality," said Chief Lanford. "It was brought out by Frank's lawyers."

Burns, in company with Dan Lehon, his assistant, and Harry Alexander of the Frank defense, afterward paid a visit to Frank at the county jail. The three were closeted for over an hour with the convicted pencil factory Superintendent. This visit of Burns to Frank is thought to be his last.

### Police Methods Assailed.

Another development to-day was a statement from Frank's attorneys, Luther Rosser and Rubin Arnold, bitterly denouncing the methods used by the Atlanta police against Frank.

"So many things foreign to fair play have happened heretofore in the Frank case that nothing now seems to matter," they said. "Anything, no matter how outrageous, seems to pass muster. Police officers brazenly do things that in ordinary cases would provoke an outburst of indignation."

"This is well illustrated in the case of the negro Albert McKnight. Albert came into notoriety during the jury trial of Frank by swearing to the most potent falsehoods. After the trial he repented, as he now claims, by influences improperly exerted upon him. Then under some potent influence he goes back again to his old rôle as perjurer. These various performances of Albert are not rare enough in creatures of his character to excite comment or to suggest danger."

"There are among whites and blacks a tribe of shiftless, shifting witnesses, who are easily, by persuasion or fear, led into perjury and who, when the pressure is lifted, slide back into the truth."

"Albert evidently belongs to that tribe. When under potent influence and pressure, he can easily be led into falsehood. When uninfluenced, and at liberty, like almost everybody else, whether wise or ignorant, he naturally slips back to the truth."

"As a matter of fact, it matters very little whether Albert swore to the truth on Frank's trial and a lie thereafter, or whether he lied at the trial and told the truth thereafter."

"But the attitude of the police, as shown in the Albert McKnight incident, matters a great deal. They are not content, as in decency and public safety they ought to be, in getting, freely and voluntarily, the truth from Albert, but when they get what they want, truth or no truth, they see that Albert goes into the comfortable retirement of a cell at the police station, to be, as we are informed, cared for and fed at the public expense."

"This, upon the surface, may seem a small affair, but a moment's consideration will show how dangerous it is. If ignorant witnesses, as soon as they make statements pleasing to the State, or retract statements unpleasing, are to be voluntarily or unvoluntarily locked up in the station house and held day and night under partisan police protection, aloof and apart from everybody but the prosecution, even the best and most peaceful citizen may, at any moment, be placed in great danger."

"If the prosecution can find it wise to give Albert McKnight an asylum in the station house, and the courts and public opinion permit it, what is to prevent every witness against Frank, and, indeed, every witness that can be bulldozed away from Frank, from occupying the cells of the police barracks, entertained at the public expense, and at all times under the sway and spell of partisan police methods and safe from other influences, no matter how wise, fair, or just?"

"Conley was the first police pet, police-trained witness. There had been none before. This, during the excitement of the Frank trial, was apparently indorsed by the courts and the public."

"This Conley experience was so successful, it trained and preserved Conley so skillfully, that the prosecution could not resist repeating it in the case of Albert McKnight. And if it passes muster in the Albert McKnight case we may expect it to become a regular, fixed institution. Hereafter the public will at once, through the police, take charge of and incarcerate all the witnesses in the case, both for the defense and the prosecution—those for the State so that their story as told to the police may suffer no change, no matter what the truth may be; those for the defense so that the power and force of police may lead them, if not into silence, at least into a moderation of statement."

"The State's power is potential enough when witnesses are left free and untrammelled with no influence but the conscience to guide them. It becomes a mighty engine of oppression when false witnesses are held firmly by cell and police surveillance."

"Let it come, as it seems it may, when men and women are hereafter to be tried by police-nursed, jail-fed witnesses, and no man or woman in Fulton County will be safe."

"Frank suffers from such methods to-day. To-morrow the sufferance may be the wisest and best. Put the witness in the hands of the police and, at once, the courts and jury come under their subjection and control. The police witness has not always been of the best repute, but better for the police witness himself than the police-held, police-trained and police-fed witness."

## ANCIENT MANUSCRIPTS SOLD

Library of the Late James E. Pulsford Offered at Auction.

A beautiful manuscript on vellum of the "Hours of the Virgin Mary," with calendar, was bought for \$400 by Thomas Shea at a sale held yesterday by the Anderson Auction Company. The library of the late James E. Pulsford of South Orange, N. J., and items from other sources were sold.

The manuscript was in Gothic character, red and black, with the calendar in gold, blue, and red. It probably was executed in the northeast of France about the middle of the fifteenth century. It consists of 159 quarto leaves, embellished with ten large miniatures.

Another manuscript, "Hours," of Norman origin, and executed in the first part of the fifteenth century, also went to Mr. Shea for \$300. It has 250 small quarto pages of fine vellum and is ornamented with eight beautiful miniatures. It is in binding by Clovis Eve.

F. W. Morris paid \$175 for a copy of the rare first edition of "The Two Noble Kinsmen," by John Fletcher and William Shakespeare, quarto, London, 1634. This drama, which was "presented at the Blackfriars by the Kings Maisties servants with great applause," is founded on Chaucer's "Knight's Tale." The present copy is in binding by F. Bedford.

E. H. Wendell gave \$104 for an extra-illustrated copy of "John Leech, His Life and Work," by William P. Frith, London, 1881. "Select Views of London," large octavo, published by R. Ackermann in 1816, a handsome book of colored plates, in binding by Sangorski and Sutcliffe, went to A. W. Mills for \$80.

George D. Smith obtained for \$125 the rare first genuine impression of Thomas Nash's "Pierce Penitence his Supplication to the Divell," quarto, London, 1592, in binding by Riviere.

The total for the session was \$3,677, making the total for the two days \$7,594. The sale will be concluded to-day.

In a sale of interesting Americana by the Merwin Company yesterday, Lathrop C. Harper paid \$85 for a copy of the rare "Geographical Sketch of Oregon," by Hall J. Kelley, eighty pages octavo, original wrappers, uncut. The only other copy recorded as sold brought \$40. A copy of the suppressed "History and Recollections of Abraham Lincoln" by W. H. Herndon and J. W. Weik, brought \$30. The sale will be ended to-day.

## MANGANESE FROM BATOUM.

Exporter Tells of Growth of Russian Black Sea Port.

M. E. Mannelides of Batoum, Russia, returned yesterday from a tour of the eastern part of the United States, which he admitted was partly undertaken for business reasons, and was partly a honeymoon trip. Mr. Mannelides, a Greek by birth, is an exporter of manganese and Circassian walnut.

"For manganese our chief customer in this country is the Carnegie Steel Company," he said yesterday. "Our product is usually known as 'Poti' manganese, after the town near Batoum. From the two cities in 1913 more than 1,100,000 tons were exported, of which about 100,000 tons came to the United States."

"Batoum in the last four years has developed very much, particularly in regard to the exportation of manganese. Before 1910, only 30,000 tons were exported from the city, and in 1913 over 400,000 tons were sent out. Owing to the fact that a steamship line runs direct from Batoum to New York and Philadelphia, its facilities are much better than those of Poti."

"Being on the Black Sea, Batoum has become the shipping point for the oil fields at Baku, which is on the Caspian. Out of this has grown up a considerable industry in the making of cases and cans for the shipment of oil to all parts of the Near East."

### Corporation Counsel Polk Better.

It was said last night at the New York Hospital that Corporation Counsel Frank L. Polk, who was shot when the attempt was made on the life of Mayor Mitchel, was steadily improving. It had not been decided when he will leave the hospital.