

FRANK CONFIDENT OF A NEW TRIAL

His Lawyers Share the Same
View and Will Not Ask for
Clemency or Rearraignment.

MAY BE SENTENCED TO-DAY

Prisoner and Counsel Base Their
Hope on Two New Alibi Witnesses
—Prosecutor Works Secretly.

Special to The New York Times.

ATLANTA, Ga., March 6.—So confident of victory are Leo M. Frank's attorneys in their proposed motion for a new trial that it is positively announced that no plea for clemency will be made to Judge Ben Hill when the convicted man is resented to the scaffold. Attorney Reuben Arnold said this afternoon that counsel would not ask for a life sentence instead of death for Frank, a course made possible under the Georgia law. Neither will the defense protest the refixing of the date of execution.

It was reported to-day that Frank would be brought before Judge Hill some time to-morrow.

Attorney Luther Rosser, senior counsel for the prisoner, returned to Atlanta to-night from a trip to New York and Washington. His associate in the defense, Herbert Haas, remains in New York, and will not return for several days. Mr. Rosser would make no statement upon his return. He will go into conference some time to-morrow with Attorney Arnold and Leonard Haas in reference to latest developments in their client's case.

Solicitor Dorsey treats the new evidence in the Frank case with an air of mystery. He refuses to talk to reporters and endeavors to keep secret all his movements in the case. He was closeted for an hour to-day with Attorney William Smith, counsel for Jim Conley, the negro, who is Frank's chief accuser. Dorsey also held a conference with George Eppes, father of the boy who repudiated his testimony in a sensational affidavit. The nature of this conference also was kept secret.

Attorney Arnold was positive to-day that the newly discovered evidence would yield a new trial for Frank. The

prisoner also was very hopeful as a result of the new affidavits published this morning. He is confident that the testimony of Mrs. Ethel Harris Miller and Maier Lefkoff will establish a complete alibi for him. Mrs. Miller swore that she saw Frank on the street at the exact time when Conley testified that he and Frank were lowering Mary Phagan's body into the basement of the pencil factory.

Mrs. Miller's statement is supported in nearly every particular by an affidavit made by Lefkoff who was with her at the time. He swears he remembers having walked with her to Brown and Allens corner, where Mrs. Miller says she met Frank at 1:10 o'clock on the day of the murder. Lefkoff said in his affidavit that he did not know Frank.

"I couldn't be at two places at one time," said the prisoner to-day. "Two witnesses now swear that they saw me at the time the negro says we were in the pencil factory. Miss Helen Kern swore to the same thing at the trial. Her evidence is now thoroughly corroborated."

The prisoner also says he remembers having seen Mrs. Miller, and since the publication of the affidavit recalls having passed her in the street as he was on his way home for luncheon.

"I even remember how she was dressed," he said to-day.

MRS. COFFIN DEFEATS SON.

She Wins Her Appeal from an Order Sending Her to Jail.

Cora S. Coffin, whom a Supreme Court Justice ordered sent to jail for contempt of court for failing to pay \$8,491 to her son, Everett S. Coffin, a cripple, won her appeal from the order yesterday in the Supreme Court. The record in the case showed that Coffin, whose father is dead, won a \$12,000 verdict against a corporation whose negligence crippled him and that his mother as his general guardian got the money.

When he came of age, it was adjudged that she owed him \$8,491, which she had failed to pay. He got an order requiring her to pay the money, which, the testimony showed, she had failed to comply. The son then got an order adjudging his mother in contempt and confining her to jail until she turned it over to him.

Mrs. Coffin based her appeal on the technical ground that the order had been entered improperly.

Chinese-American Wins Honor.

Clinton Mindl Pang, of Chinese and American parentage, and E. H. Zeydell, both members of the senior class at Columbia and both from Brooklyn, were initiated into the honor fraternity of Phi Beta Kappa yesterday. Only one Chinese has been elected to membership at Columbia, and it is said that there are only five Chinese members of the fraternity in the United States.