

FRANK LAWYERS FIGHT BACK

Seek Indictment for Perjury of Certain State Witnesses.

Special to The New York Times.

ATLANTA, Ga., May 24.—Counsel for Leo M. Frank announced to-day that they would seek the indictment, on charges of perjury and subornation of perjury, of some of the witnesses whose testimony aided in convicting Frank of the murder of Mary Phagan. They will appear before the special Grand Jury, which so far has confined its work to investigating the charges brought by Solicitor General Dorsey against witnesses for the defense and has indicted five persons.

Attorneys Rosser and Arnold said that they would ask that a special Solicitor be named in place of Dorsey to investigate the methods employed by the city detectives and other agents of the State in gathering evidence for the prosecution of Frank.

Judge Hill will tomorrow fix the date for the hearings in the contempt cases against Detectives William J. Burns and Dan S. Lehon, accused of having sent Annie Maude Carter, a negro witness, outside the jurisdiction of the court. Tomorrow also the bill of exceptions in Frank's extraordinary motion for a new trial, recently overruled by Judge Hill, probably will be taken up, and if the attorneys for the State and the defense agree on the bill it will be certified by Judge Hill.

The extraordinary motion to set aside the Frank verdict has been set by Judge Hill for a hearing on Friday. This motion is based on the fact that Frank was not in court when the jury rendered its verdict against him. Judge Roan, who presided at the trial, and Sheriff Mangum have made affidavits for the State in regard to Frank's absence.

It is understood that Solicitor Dorsey will call the editors of the three Atlanta daily newspapers in an attempt to show that the state of feeling in Atlanta in regard to Frank had been exaggerated.

HELD FOR AIDING AN ESCAPE

Man Who Pursued Thieves Said Autoists Stopped Him.

William Kirby of 901 Bedford Avenue, Brooklyn, and Charles Morrison of 242 East Twenty-fifth Street, were held in \$2,000 bail each by Magistrate Simms in the Yorkville Police Court yesterday morning charged with aiding and abetting in a robbery, and John Tierney of 339 East Sixteenth Street, was held in \$500 bail for interfering with a policeman. They were arrested after the escape of three highwaymen who robbed three men in the restaurant of Harry Goodman, at 15 East Thirty-third Street, on Saturday night.

The robbers held up Goodman, his nephew, Harry Lubiner of 123 St. Mark's place, and Samuel Pastermin, and after taking about \$100 and some jewelry from them left the restaurant. Lubiner followed and saw the thieves throw away two revolvers, which he recovered.

The fugitives jumped into an automobile, which was passing in Fifth Avenue near Thirty-third Street, and which was driven by Kirby, a chauffeur for George J. Bryan, a publisher, of 41 East Twenty-first Street. In the auto were Morrison and Tierney, and Tierney's wife and five children. The robbers rode in the auto to Thirty-second Street near Broadway, followed by Lubiner, who was armed with the two revolvers. The robbers then jumped from the automobile and escaped, and Lubiner says Kirby and Morrison prevented him from following them.

The commotion brought Patrolmen Fulco and Winn, and when they heard Lubiner's story they arrested Kirby and Morrison, and later Tierney, when, they allege, he tried to interfere with them. Kirby and Morrison say they do not know the men who jumped into the auto. They stopped Lubiner, they said, when they saw that he was armed with two revolvers.