

# **MURDER WITNESS ARRESTED ON LIBEL CHARGE**

## ***Conspiracy Charged And Other Arrests Expected to Follow***

Lawyer for J. C. Shirley, the Man Accused by Ira W. Fisher of the Mary Phagan Murder, Declares That Two Atlanta Men and One in Birmingham Will Soon Be in Jail—Blackmail Was the Object of Conspirators, He Says, and Their Game Was Foiled by Quick Action Taken by Chief Bodeker, of Birmingham.

### **SHIRLEY MEETS BIRMINGHAM WITNESS AND PRISONER REPEATS MURDER STORY**

Rosser and Arnold Show by Their Action in Turning Mysterious Witness Over to Officers That They Have No Faith in His Story—His Wife, His Brother and His Sister Declare Their Disbelief—His Wife Is Suing Him for Divorce—His Long Police Record Is Exposed by the Department.

Police headquarters is in a ferment over the exciting turn taken last night in the case of Ira W. Fisher, the mysterious "witness" in the Mary Phagan murder, who has been placed under arrest on a warrant charging criminal libel, sworn out by the man he accuses.

He is being held as one of a number of men who police officials say will be arrested within a short time on warrants charging conspiracy to blackmail. One will be issued some time today against a Birmingham man, it is said, who went with Fisher when he later told his first story to Chief Bodeker.

Two others will be sworn out, it is stated, against Atlanta men who have been associated with Fisher. This decision was reached about 9 o'clock as a result of action taken by the chief of detectives, who faced Fisher with the man he accuses, J. C. Shirley, a prosperous furniture dealer, of 809 Marietta street.

Without the blink of an eyelash, Fisher faced his man, reciting practically the same story he had told the chief of police in Birmingham. He sat in the office of the detective chief at headquarters. Shirley faced him stolidly. When Fisher had finished his narrative, Shirley arose from his seat, walked toward his accuser and cried:

"You lie, you skunk, you lie!"

### **FISHER PLACED IN CELL**

Fisher was then taken downstairs, where he was placed in a cell. He seemed not to mind the imprisonment. "I expected it," he said, "when I decided to tell the truth. I will suffer a lot. That was taken into consideration when I consented to come to Atlanta." These remarks were addressed to a reporter for *The Constitution*, who had heard him face Shirley with his story.

Shirley is being represented by Charles J. Graham, an Atlanta attorney, with offices in the Kiser building, who was counsel for Newt Lee in the famous trial of Leo Frank. It is at Graham's advice that the furniture dealer will issue the proposed warrants against the other men who are said to be in the alleged conspiracy to blackmail him.

The detectives say Fisher was caught in a material lie last night, when they investigated one of his statements. In telling his story, he said he had driven with Shirley to an address on Bellwood avenue, the home of Mrs. William A. Holloway, where Shirley had delivered a bureau. Detective Starnes went to the residence in an automobile.

Mrs. Holloway, whose name had been given by Fisher, said she had never purchased wares from Shirley and that she did not even know him. Furthermore, she said, she had not bought a bureau in several years. Fisher,

when confronted with the result of the detective's trip, persisted in maintaining his original statement.

## STORY AN EFFORT TO BLACKMAIL.

Attorney Graham, in talking with reporters after a lengthy conference with Chief Lanford, said that Fisher's tale was only an effort to blackmail Mr. Shirley, who is generally known to be wealthy. Fisher is only a tool, he stated, but was assigned to be the

"goat" because he was a suave talker—which he seems to be—and a plausible liar.

"Tomorrow," declared Graham, "I intend to take steps against the Birmingham man and two Atlanta men, one of the latter of whom would never have been suspected of being connected with such an outrageous scheme as this effort to blackmail Shirley."

He was not reluctant to give names. The Constitution representative obtained them, but they are withheld until action is taken. According to Graham, Fisher was impelled by his co-conspirators to go to Chief Bodeker and tell his story. The lawyer charges he then intended communicating with Shirley to obtain money for which he would drop the matter and disappear.

The plot was foiled, Graham says,

when Chief Bodeker began action so quickly toward having him sent to Atlanta to tell his story. Graham says he expects Fisher to break down and confess the "scheme." Toward this end, he will interview the prisoner this morning. Fisher says he has but one story to tell. That is the one which he repeated in Shirley's presence.

Graham says further: "It is either an attempt to blackmail, or a plot even more infamous. One way or the other, we will find out within a week. Other arrests, I am sure, will prove it."

### Shirley Faces His Accuser.

There was a dramatic scene in the detective chief's office last night that thrilled even reporters and detectives when Fisher narrated his story before the man he charges with Atlanta's most atrocious murder. Shirley was anxious to face his accuser. The Birmingham man apparently evinced the same anxiety. There was not a protest from either.

Fisher was seated near Chief Lanford's desk when Shirley entered the room. Shirley was angry and there was a scowl on his face. Fisher's eyes were wandering, which seems to be habitual. He is nervous and, while talking, his hands are incessantly moving about. He cannot hold them still, although it is apparent he strives to, holding the fingers clasped. Shirley was accompanied by two of his brothers and a friend. Newspaper reporters were allowed within the room and also a number of detectives, as "witnesses," when requested by Chief Lanford, began his story in calm, even tones, halting, now and then, to run his hands across the forehead and through his hair, which is shaggy and in need of trimming.

"Mr. Shirley and I went down to Broad and Marietta streets the Saturday of the murder in his wagon, after first delivering a bureau to Mrs. Holloway on Bellwood avenue. We stopped at the corner, and Shirley said he wanted me to hold the horse while he went down to the pencil factory. He said he had a date with 'Hattie,' which was a name of the neighborhood for a girl named Mary Phagan.

"I waited for an hour, and a half, maybe. He left me about 1 o'clock. (Previously, Fisher had told reporters that the time Shirley had left him was 12 o'clock noon.) He got back between 2:30 and 3. He said he had 'played hell in general,' and wanted me to leave town."

### Tells Shirley Story's Straight.

Here the man looked Shirley in the eyes and said:

"That's straight, Mr. Shirley, and if you tell the truth, you'll admit it. I told him I didn't want to leave. He said I would have to go. We drove to the Union station and he bought a ticket to Ellijay. Then he put me on the train. I went because I was afraid of him. You know you threatened me, Mr. Shirley—you know it. I went to Ellijay, stayed two weeks, then came back to Atlanta. I stayed here two weeks, then left for Copperhill, Tenn., because he wanted me to."

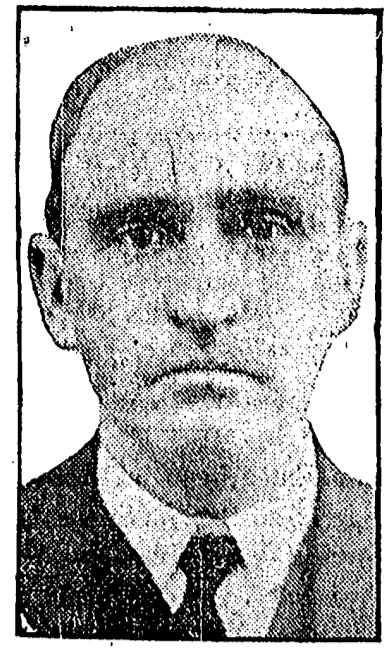
Fisher later told of receiving two letters from Shirley containing \$25 each, and a third letter with \$5, two of which he got in Parkersburg, Ala., and one in Birmingham. He said each letter had been torn to pieces and that there remained no evidence of them. When his story was finished, he was given the epithet of "skunk" by the accused man, who also added:

"You know it's a d—n lie. Why don't

# New Phagan Murder Witness And Man Whom He Accuses



IRA W. FISHER. Mysterious man from Birmingham.



J. C. SHIRLEY. He laughs at charges of Fisher.

you tell the truth. I'll come out in the long run."

"No," answered the prisoner. "I've told the truth. There's nothing else to come out. You can put me in jail and keep me there for the rest of my natural days, but I can't tell any more. I've told all I know and have told it straight."

Another phase of Fisher's story which seems to puzzle the detectives is his statement that he had never seen C. W. Burke, who brought him from Birmingham, until Saturday night. Burke, in his statement to reporters who met him on the train at Austell Sunday morning, declared that he saw Fisher as early as Friday night. This was also known by Chief Lanford, he says.

### Fisher Sticks to Story.

Fisher sticks to it that he did not see Burke until Saturday night, when the Atlanta man, accompanied by a Birmingham detective, met him on the streets. He was not acquainted with Burke, he says, and the latter was armed for him with only a description and his address furnished by Chief Bodeker.

The prisoner explained his story by saying that he was urged by Joe Hicks, of Birmingham, to go to Chief Bodeker after Fisher had wired a telegram to Leo M. Frank in the Fulton county jail. The telegram, he said, read:

"Send me transportation from Birmingham. I know something that will help your case."

He declares this message is on file in the Birmingham telegraph office. Hicks, he said, with whom he worked on the Louisville and Nashville railroad, after seeing the telegram, advised Fisher to go to the police chief. Upon going, Fisher was accompanied by his fellow workman.

"Hicks did most of the talking of the chief," Fisher said.

"You merely did the corroborating," put in Chief Lanford.

"Yes," the "witness" answered.

"I thought so," replied the chief.

"What do you mean?"

"Oh, nothing—you ought to know."

"But I don't."

"Then, you'll find out soon enough."

"You Are Telling Remarkable Lie."

"Fisher," said Lanford, "you are telling a remarkable lie; we'll have to

hand it to you for that. It'll be the best for you, however, if you come out with the truth. Criminal libel, you know, is serious, and I'll send you to the pen for a good, long stir."

"I know what criminal libel means, all right," the man answered. "But I'm not going to be convicted. They can't convict a man for truth. They can't convict a man for truth. I told the story. That's one reason I withheld it so long."

"How long have you been using morphine?" he was asked.

"I've never used it nor any other drug," was his answer.

"But you look like it."

"That's because of a rather thing. I need a drink."

Fisher's bond has not yet been fixed. It will be arranged some time today, however. The date of his hearing has not been set. This depends entirely upon the time of the proposed arrest and the time required for the investigation to be made by the detectives and Attorney Graham.

Shirley told reporters that he had about checked his opinion of Fisher's sanity, and now regarded him as an exceptional crook, who was being made the tool of conspirators who sought to fleece the Atlanta man out of money. "I had never thought of it," he said, "until my lawyer advanced the theory."

### Famous Song About Shirley.

The accused man is the subject of the famous song of the troubadours, "Shirley Came to My House," which is undoubtedly familiar to every strolling musician of the south. It has to do with Shirley, the furniture man, who sold goods on installment, and could furnish very cheaply a good bungalow "for two" for the hero and heroine of the song. It was composed by a strolling musician, a friend and customer of Shirley.

A startling angle of the prisoner's narrative in his declaration that he was kept in the office of Luther Rosser purely by force, which was exerted by Burke. When he asked to be allowed to leave the place, he said to the detective, Burke would not let him, locking the door and telling him of many painful things the detectives who were waiting for him downstairs would do to him.

He says, however, that Attorneys Arnold and Rosser never did speak to him throughout the time he remained in the Grant building, and that they never even came into the room while he was talking. He gave his statement to a stenographer in the presence of Burke. He wondered, he said, why Arnold and Rosser never appeared before him.

He was released from his semi-prison in the Rosser offices in the Grant building about 5 o'clock in the afternoon. Before giving him to detectives who were waiting outside, the attorneys turned him over to the newspaper men.

### Defense Through With Witness.

"Here, here, boys," said Luther Rosser, Jr., take him out of here. Let's get rid of him."

And, judging from the attitude of Messrs. Rosser and Arnold, this expresses their sentiment.

Although they will make no definite statement to that effect, Messrs. Rosser and Arnold evidently have washed their hands clean of Fisher and his story. Asked by reporters if they would need the man in the future, they answered:

"No, we're through with him."

The acquaintance of Fisher's. He says Fisher once lived in the neighborhood of his furniture establishment. He never saw him, he says, on the day of the Phagan murder. In fact, he states he was not intimately acquainted with the man.

"I am willing and ready to account for every minute of my time on the day Mary Phagan was killed," he told a Constitution reporter. "This man is nothing but a lunatic. He ought to be in somebody's asylum."

For the first time Fisher told his story to reporters Monday. He did not look like a man who was telling the truth. Although his statements seemed well-rehearsed, his eyes never rested but for a second on any particular spot. Reporters who tried to catch them and hold them in the gaze were unsuccessful. They roamed over everything in the room.

### Prisoner Is Very Nervous.

He was nervous and fidgety, and his hands moved about incessantly, as is characteristic of one who is telling a falsehood he realizes is not being believed. He needed a shave and a bath and a collar, and frankly admitted that a drink wouldn't do any harm. He denies that he is a drug fiend.

For several hours Lanford and Detective John Starnes put the Birmingham man through a vigorous third degree. They were not impressed with his answers, and said that they did not believe one word of his tale. They were puzzled to account for it, however, saying that Fisher must be suffering from hallucinations created by drug or whisky.

Fisher's balloon began exploding early Monday morning. The first pin was jabbed into it by his wife and sister, both of whom live at 734 Marietta street. Each declared they would not believe the man on oath, that he was an inveterate drunkard and had often used morphine.

### Telling Lies, Says Wife.

"He's telling lies," they said. "Something ought to be done with him."

His wife was the cause of his arrest during the first of the year, when she sent him to Fulton county jail for disorderly conduct, for which he was arrested during the latter part of 1912. Mrs. Fisher stated, too, that Fisher was in Atlanta on the Sunday following the Phagan tragedy, which statement contradicts that part of the story he tells of having left town the previous Saturday afternoon. She says he is irresponsible and will cause harm to someone if he is not taken in hand by authorities.

It was learned last night that an effort had been made some time ago by both Probation Officer Coogler and by Marion Fisher, a brother to the "witness," to have Fisher adjudged insane. The brother puts no faith in the story, and, like Fisher's wife and sister, be-

lieves it is the product of a disordered brain.

If Fisher is falsifying, he is a wary liar. C. W. Burke, the detective in Rosser's office, who has been handling the Fisher angle of the case, and who is trained in the detection of lies, told reporters that although he did not believe the story, he had so far been unable to catch the man in a single lie.

"However," said Burke, "I am through with him for good—got me right on that."

Also, there was a sigh of relief in the whole Rosser office as Fisher's unkempt bulk walked out through the door between Detectives Coker and Garner. Garner and Coker had kept an all day and night vigil on the Grant building, expecting an attempt to spirit the man away.

### Detectives Are Taken by Surprise.

They were taken by surprise shortly before midnight when Burke came to their post downstairs and informed them that Mr. Rosser had agreed to turn the "witness" over to the police. He first was given to the newspaper men, who interviewed him in the unique boudoir of a lawyer's library in which he spent two days and a night.

It is likely that police authorities will take steps to have the man adjudged mentally irresponsible. In that event, he will be sent to some institution where his case might be properly attended to. He already has been in a sanitarium for the drink cure, which seemed to have met no success.