

RETURN OF NEGRESS ORDERED BY JUDGE MONDAY MORNING

**If Anna Maud Carter Is Not
in Atlanta Within Five
Days Her Evidence Will
Not Be Considered.**

Charges of bribery, perjury and coercion of witnesses will be thoroughly investigated by Solicitor Dorsey and then a number of prosecutions will follow, according to a statement by the solicitor on Monday night.

"Prosecutions will certainly follow later on," he said. "It will be my duty as a prosecuting officer to see that justice is done. Outside of that, I can say nothing else, except that the scope of my prosecutions will include all who have been guilty of crookedness—even the men higher up."

Judge Ben Hill demanded of Leo Frank's defense yesterday afternoon that Anna Maud Carter, the negro witness, be returned to the jurisdiction of the court within five days.

He declared that if she were not brought back to Atlanta within that time he would decline to consider her evidence or any evidence in which she was involved.

"Detective Burns admitted before me," said Judge Hill, "that he had sent Anna Maud Carter from the jurisdiction of the court. I want an order drawn commanding Anna Maud Carter to be returned to Atlanta in five days or I will not consider any of the evidence in which she is concerned."

A few minutes later Judge Hill supplemented his statement with these words:

"In making this demand I do not mean to reflect on the counsel for Frank. It was testified before me that Detective Burns had removed the Carter woman."

Will Bring Woman Back.

It is said that immediate efforts will be made to bring the missing woman back to Atlanta. She is now in New Orleans, where, according to a letter she recently wrote relatives in this city, she is working with the William J. Burns Detective agency. This letter was read to Judge Hill by Solicitor Dorsey Monday afternoon.

Anna Maud Carter is the negress who accuses Jim Conley of having confessed to her the murder of Mary Phagan. A literal mountain of evidence was introduced by the solicitor Monday to show that she had conspired with George and Jimmy Wrenn in Fulton jail, to frame up on Conley. Other testimony was adduced to show that she had told friends and relatives upon being released from jail that she had tried to "pick" Conley, and that he had firmly maintained that Leo Frank was the murderer.

Regarding the Carter woman, Attorney Arnold was asked by a reporter for The Constitution if lawyers for Frank or the Burns agents would seek to bring the woman back to the city. Mr. Arnold smiled in reply, saying that he did not know as yet.

A surprising new phase of evidence that arose Monday was an affidavit from Mrs. Hattie Waites, the young wife of J. M. Waites, who swears that on the morning of the day Mary Phagan was slain, she saw Leo Frank

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and Jim Conley talking to each other some time between 10 and 11 o'clock, and that they were apparently engaged in earnest conversation.

This evidence was introduced to bear out in part that portion of Conley's testimony bearing with a meeting he swore he had with Frank on the morning of the 26th at Forsyth and Nelson streets, when Frank is alleged to have instructed him to come to the pencil factory that noon to "watch" for him. Mrs. Waltes' affidavit has been kept a secret by the solicitor, and created a sensation when it was sprung.

Lehon Nears Contempt.

At the very outset of the retrial proceedings Monday morning a sensation was created when Dan S. Lehon, southern superintendent of the William J. Burns forces, was practically put under arrest for contempt of court. Following the strenuous examination which he underwent before Solicitor Dorsey he made a heated tirade against the solicitor's tactics.

They were cut short by Judge Hill, however, who ordered him to cease, and who instructed Deputy Sheriff Plennie Miner to take charge of the Burns man. Miner escorted Lehon into an adjoining room, where he remained for some little while. Later, Judge Hill asked the court stenographer to read that part of Lehon's statement which attacked Dorsey.

Attorneys Arnold and Rosser stated that the witness had not intended to be in contempt. Judge Hill ordered the words expunged from the record, called Deputy Miner into the room and ordered that Lehon be allowed to go his way. Only two witnesses were examined—Lehon and L. P. Eubanks. Mary Rich, the negress who was alleged by the defense to have made an affidavit in which she stated she saw Jim Conley emerge from the rear of the pencil plant at 2:15 o'clock on the tragedy date, has made an affidavit in which she denies having made the document submitted by the defense.

Refused to Sign Paper.

"Some time recently," she swears, "Mrs. Lucile Frank and Rabbi Marx and two men came to see me, and tried to get me to make an affidavit. The affidavit was not true, and I refused to sign it. Mrs. Frank said to me: 'If you will sign this affidavit you will take the rope from around my husband's neck.' I replied that I could not tell a lie, and that to sign the paper would be telling a lie.

"One man with Mrs. Frank and Rabbi Marx tore off a little piece of the paper that was in his hands. This man was C. W. Burke. He said: 'You take this paper.' I told him that I didn't want the paper, and he said: 'This will not hurt you, but you keep this paper. It is just for you, so that you will know it when you see it again.' I took it and kept it.

"I showed it in a few minutes afterward to Mr. F. J. Wellborn, a man that I have known a good long time, who was standing by when these people were talking to me. Afterwards I took the paper to somebody in the office of Solicitor General Hugh N. Dorsey. I have looked at the piece of paper attached to the affidavit signed by F. J. Wellborn, and it looks to me to be about the size and shape of the paper which Burke gave me. Burke also told me that if I got into trouble I might know the cause of it."

Dorsey presented a number of affidavits dealing with an alleged conspiracy within the county jail between Anna Maud Carter and Dr. George Wrenn and Wrenn's brother, Jimmie Wrenn, to "frame-up" on Jim Conley. Dr. George Wrenn was a prisoner serving sentence for complicity in the Gilsey diamond robbery.

One angle of this evidence is an affidavit from Frank Reese, an ex-prisoner, who lives at 7 Kingsley street. He was a trusty prisoner in the Tower, worked in the prison laundry and did odd jobs required of trusties.

"I have heard Dr. Wrenn telling Conley that he had been tried, and that he (Conley) could take the Mary Phagan murder on himself and that it would free Mr. Frank," said Reese, "and that Conley could never be tried any more for it. Conley refused to consider this."

Saw Them Talking.

"Wrenn talked to Fred Perkerson—another prisoner—and myself several times, and tried to get us to agree to go into Conley's cell and come out and claim that Conley had confessed to us. He said we would get lots of money if we did. I knew Annie Maud Carter, and I have seen her and Dr. Wrenn talking together very often.

"I saw Annie Maud Carter go to Conley's cell once, and Fred Perkerson called to her that if she went in she would be locked up. Both Fred and I knew she was crooked, and we

cautioned Jim Conley about her. I saw Dr. Wrenn at one time throw a note to Annie Maud Carter from the second floor. She carried it to Conley's cell, pitching it through the bars at the wing door.

"When I got out of jail Dr. Wrenn came to my house one morning at 7 o'clock with a long, white paper, asking me to sign it. I cannot read or write, and I told him I wanted to wait to see what was in the paper. He said that it was just a paper to the effect that I had carried notes from Jim Conley to Annie Maud Carter.

"I did not know what was in it, and so I wouldn't sign it. He said that inasmuch as I couldn't write, he'd write it for me. I told him I wouldn't authorize anybody to write for me nor sign my name to anything unless I was aware of its contents."

Fred Perkerson, the prisoner alluded to in the Reeves' affidavit, has signed a statement to the effect that C. W. Burke, the private investigator attached to Luther Z. Rosser's office, and Jimmie Wrenn, Burse's assistant, and Dr. George Wrenn, the convict named in Reeves' affidavit, have often conferred with Leo Frank in Frank's cell in the Tower.

He told a similar story of alleged conspiracy in which Wrenn figured to frame up on Conley. He swears that Wrenn told him and Reeves that they were in a position to make a lot of money, and advised them to go into Conley's cell and, upon coming out, pretend that Conley had confessed to Mary Phagan's murder. He declares that he asked Wrenn why Wrenn himself didn't do this. Wrenn is said to have replied that he didn't care to get mixed up in the case.

Ivy Jones, the negro from whom the defense, in its new trial motion, purported to have obtained an affidavit recanting his testimony at the trial, has made an affidavit for the solicitor swearing that the defense affidavit is false and that it is a forgery.

Dorsey attacked the defense argument that the note-paper on which Conley wrote the murder notes was obtained from the basement, when he introduced a number of affidavits in rebuttal. One of these was from Philip Chambers, an ex-office boy in Frank's employ, who was a witness for the defense at Frank's trial.

Nothing Sent to Basement.

Chambers testifies now that Becker, upon leaving the employ of the pencil factory, moved his desk into Mr. Frank's office, and that it was thereafter used by Frank. He swears that no trash, books or paper ever stayed down in the basement, and that all order blanks left upon Becker's departure were used by Frank.

J. M. Gantt makes an affidavit in this phase to the effect that the order blanks were never destroyed, and at no time did he ever see any of the scratch pads sent in the trash to the basement. The trash, Gantt swears, was burned with all rubbish every day in the furnace in the basement.

Another affidavit bearing on this angle was one made by H. H. Otis, city fire inspector, who declares he was forced at numerous times to remind Leo Frank of negligence in keeping the basement regulated in compliance with fire ordinances. He instructed that all trash and rubbish be burned each day.

He swears that he heard Frank give Dorley, the assistant superintendent, specific instructions to burn all refuse and to see that none of it remained unburned in the basement or anywhere in the factory building. Otis further testifies that such litter was burned under his personal supervision from April 1, 1913.

R. M. Devore, a photographic expert attached to the A. K. Hawkes optical concern, has made an affidavit swearing that he photographed the murder notes for Solicitor Dorsey, and that he used a special color plate for the task, sending north for it. He says that, in his opinion, the number on the disputed blank is 1818. He also swears that T. A. Alexander, who recently issued a booklet bearing on the notes, admitted to him that he had instructed the photo-engraver who made the plates to "touch them up" a bit.

Much interest was centered around the J. E. Duffey affidavit which was submitted by Dorsey during the afternoon. Duffey, who is purported by the defense to have renounced his trial testimony, now upholds it and swears that he was induced by agents of the defense to make the recanting document.

He says that L. P. Eubanks, the car inspector whom Dorsey grilled on the stand Monday morning, and C. W. Burke had offered him money to sign a false paper, and told him that whenever he wanted money they would furnish him with it. He swears that he has borrowed in the neighborhood of \$30 from Eubanks.

"On April 30, of this year," his affidavit reads, "Jimmie Wrenn took me in an automobile over the city, carrying me to dinners in cafes and to shows, and then riding me toward Austell, Ga. I slept all night in the automobile, and, when we stopped the next day, and, when we stopped in front of the Marietta Chair Works on Marietta street, we were surrounded by a crowd of Jews, who pressed me with many questions bearing on my testimony."

Lent Duffey Money.

B. E. Duffey, father of Duffey, has made a statement saying that Eubanks had told him that he was lending young Duffey money, and taking his note for same, but that the father need not worry, as his son would never have to pay it back. Young Duffey has been released from prison, in which he was lodged Friday night on an attachment issued by Judge Hill.

C. Brutus Dalton, who, the defense alleged some time ago, had made an affidavit repudiating his testimony at

the trial, was brought to Atlanta Monday by Detective John Black from Fort Myers, Fla. His new affidavit, which was introduced by Dorsey in the afternoon, sprang a decided sensation.

Dalton says that he was visited in Fort Myers by C. W. Burke, who asked for his signature to a document which was to be presented before the pardon board of Georgia in order to prevent the hanging of Frank. Dalton says he was offered \$100 and a ticket to Atlanta for his signature.

Burke, Dalton swears, had a typewritten copy of some statement. He, according to the witness, read a part of it, in which nothing was stated about a reversal of testimony. He signed the document, he states, expecting to receive the \$100. That night, however, when he went to the hotel, Burke had disappeared, he states, and no \$100 was in evidence.

Dalton's affidavit contains part of his trial testimony which he upholds, in which he tells of having seen Frank carry girls and women into the dressing rooms after he had been seen hugging and kissing them. Dalton also swore to having carried beer and other drinks for Frank in Frank's office, where the latter, he alleges, was entertaining girls and young women.

An attack was made upon the testimony of Mrs. M. Jaffe, the wife of the Mitchell street jeweler, who made an affidavit telling of having seen Frank at 1:30 o'clock on the streets on the murder date. An affidavit was presented from Detective Bass Rosser, who swears to having gone to Jaffe's jewelry shop in answer to a call to police headquarters.

The husband, according to Rosser's affidavit was seeking the aid of the police to find his wife, who he said had run away to Birmingham to meet another man, and upon departing had taken a ring belonging to a customer. Mrs. Jaffe, it is stated in the detective's testimony, later was returned and admitted having taken the ring. This affidavit, however, was not admitted by Judge Hill.

The affidavit of Rev. C. B. Ragsdale, the preacher who accuses defense and Burns agents of bribery, accuses Arthur Thurman, his attorney, of having engineered the conspiracy against Conley, in which the pastor was the most important figure.

Thurman, he states, had been his attorney for some time and was acquainted with his financial status. Several days before the Ragsdale affidavit was made public, Thurman had informed the minister, Ragsdale swears, that he could make a lot of money out of the Frank case if Ragsdale would frame a statement to be used in Frank's defense.

Ragsdale swears that he arranged such a statement and submitted it to Thurman, who pronounced it weak in spots, but who said that he could strengthen it wherever necessary. Later, he says, Thurman told him that he had got a negro to corroborate him.

The negro, however, fell down, according to the minister's statement, and Thurman asked that someone else be procured who could assist the preacher in his tale.

Ragsdale swears that he got R. L. Barber to make a similar statement. The "frame-up" was arranged to perfection, Ragsdale swears, and four or five subsequent conferences were held over the matter. On April 24, Ragsdale testified, C. C. Tedder, the Burns man, was called into the affair, and carried Ragsdale to the Burns office in the Healey building, where he was introduced to Dan S. Lehon.

Lehon, Ragsdale states, took the minister to the office of Attorney Luther Z. Rosser, where a stenographer took his "framed" statement. The affidavit then goes on to state how \$200 was procured by Ragsdale and \$100 by Barber through the agencies of Thurman and Tedder. The name of Lehon also figures prominently in the alleged transaction.

Helen Ferguson swore that she was enmeshed by the defense agents by Jimmie Wrenn, who, under the assumed name of "J. W. Howard," made love to her, spent money lavishly on her, finally proposed marriage, and carried her to C. W. Burke, whom he introduced under the guise of his father—her prospective father-in-law, at which time her affidavit was obtained.

Ferguson Affidavit.

Her new affidavit for the state follows: GEORGIA, FULTON COUNTY.—Personally appeared before the undersigned Miss Helen Ferguson, who, on oath, after being duly sworn, deposes as follows:

Since the Frank trial last summer, in which I gave testimony that was against Leo M. Frank, two attempts have been made either to get me to leave the city or change my testimony—the first by money, and the second by having a young man make love to me and offering to marry me. Shortly after the trial I left home one morning to go to my work, and on a street corner a young man, who was a Jew, came up to me and said he would give me \$100 and pay my board and all expenses if I would leave Atlanta, as Frank was going to get a new trial some time soon, he said. I refused, and turned and walked away. That's about all he had time to say to me. He had a light mustache and light, curly hair, and looked like a man about 30 years old.

The second attempt, after the money offer failed, occurred in December, during the two weeks just before Christmas. I was working then at the Clark Woodware company, on Poultry street, having left the Marcus-Loeb Overall company because I was afraid of the foreman whom I worked under, Mr. Levin, who tried before the trial to get me to swear for Frank and not against him, so that I was afraid of him and left soon afterward.

When I left my work at the Clark Woodware company one afternoon in December, I was walking down the street with another girl when a young man, whom I afterwards found out to be Jimmy Wren, stepped up to us and said: "Howdy do, Miss Ferguson." I said: "I don't remember you," and he answered: "This is Mr. J. W. Howard; don't you remember when you worked at Black's? I worked there, too, and wanted to meet you then, but didn't have a chance." And so that was the way I met him.

A night or two later he took me to the

show and also met me several other times, and was always mighty nice to me, just like a young man is, you know. I hadn't known him more than two days before he began to make love to me. A few days after I met him we were walking up town together when we met a big, heavy fellow, with a big, round face, who was standing on the corner, and whom I have since found out was Mr. C. W. Burke, the detective. Jimmy Wren—or Howard, as he called himself at that time, stopped and introduced me to him as his father. We stood on the corner and talked for several minutes. The "father" got to talking about the couple who were caught spooning on the capitol steps and from this he began to say awful things about the police, saying they were "no good," and that the city detectives were "crooks" and other such things. He said something about wanting me to make a new statement in the Frank case, and I said: "No, sir." And then, as we turned to leave, he said to Mr. Howard: "Bring her up to the office tonight. I want to talk to her anyhow."

That night Mr. Howard came out to the Clark Woodware company at 9 o'clock, when I got off from work, to take me to town to see a show. There were about half a dozen of us girls who did extra work until 9 o'clock a few nights for awhile before Christmas. Jimmy was making real love to me that night—said a lot about caring for me and wanting me to marry him, but he kept on talking about wanting me to sign an affidavit about the Frank case first. I didn't want to go up to any office with him, but he insisted so strongly, and said his father would take care of me, that I just made me go. He took me up in that big gray-colored building on Broad street—they call it the Grant building, I believe. He took me up the elevator, and there in an office his "father" was waiting for us. I remember seeing the name "J. H. Porter" on the door of the office. They asked me again to change my statement in the Frank case and say it was some other time that Mr. Frank had refused to give me Mary Phagan's pay envelope than the time I said it was. They said that Frank was an innocent man and that everybody knew it. But I said I had told nothing but the truth and wasn't going to change it, and then Jimmy said: "Well, I'd hate to be the main one to put the rope around Frank's neck," and I said I couldn't help that since I had only told the truth. Then he talked some more about loving me so much, saying he wished I'd do it for him, until I was worried a good deal and wishing I was out of there.

While we were talking about the Frank case in this way, I happened to tell them that I was afraid of Jim Conley. They then dropped the talk about my evidence and fixed up an affidavit for me to sign about Conley, which I signed, in order to satisfy them. I simply said in this how Conley had approached me the Saturday before Mary Phagan was killed. When I was picking up some boxes and had offered to help me, and I had dropped the boxes and run because I was afraid of him.

When we got that affidavit fixed up we left. It seemed like we had been there an awful long time. Jimmy brought me home in an automobile that night and kept on talking about loving me, and just before we got home he tried to kiss me, and I hit him in the mouth. That seemed to cool him down and he brought me to the door and said good-bye.

I have never seen him but once since that night. I found out a few days later that his real name was Jimmy Wren and not Howard. I found it out from a number of persons who had seen me with him and who knew all about his working at the National Pencil factory and working with the lawyers and detectives for Frank. It was several weeks afterward before I found that his "father" was the detective, C. W. Burke. When they decided that the time had come for giving my affidavit to the papers a newspaper reporter came out to the house to see me about it. He told me how the affidavit had been given out through Burke and described him to me, and the description made it very plain that he was none other than the "father." I also learned then that the office of J. H. Porter was up in that Grant building right next to Mr. Luther Rosser's. I have found out in other ways that the "father" was Mr. Burke, many other people describing him to me very exactly, I know I could recognize Jimmy's "father" again the minute I saw him.

HELEN FERGUSON.

Sworn to and subscribed before me this 7th day of April, 1914.
(Signed) L. L. HILDEBRAND,
Notary Public, Fulton County, Georgia.

The examination of Dan Lehon was the first proceeding on the program of Monday's session. Lehon was asked numberless questions regarding his operations on the Frank case, the source of his pay and of the Ragsdale incident. It was at the close of his interrogation that he came near suffering punishment for contempt of court.

Here is how the stenographer recorded his final words verbatim:

"Can I make a statement, judge, in reference to this case?"

"Yes, you may make an explanation if you desire," answered Judge Hill.

"I am an American citizen," retorted Lehon, "and I have been in the police business for twenty years. These questions asked here are the most outrageous questions I have ever been asked."

He was cut short by the judge, who said:

"You cannot state that. It is not admissible."

"This is the most outrageous treatment," continued the witness, "from the district attorney—"

Again he was stopped, Judge, Hill saying:

"You cannot state that, Mr. Witness. I will have to send you to jail if you persist."

"I don't mean any discourtesy to the court—any disrespect to the court," said Lehon.

Lehon, in naming the source from which he obtained money, frequently mentioned the name of Herbert J. Haas, an attorney for the defense. He said that Boots Rogers was employed by the Burns agency, and that Carlton C. Tedder was also attached to the Burns forces.

He told of having paid C. C. Tedder \$250 on his salary a short time previous to the Ragsdale affidavit. He said the money had been obtained from Haas, from whom he procured most of his fees. He stated that the fees and money turned over to him by Haas were in check form, and that the checks were turned over to C. E. Sears, superintendent of the Burns agency.

The retrial hearing was adjourned by Judge Hill Monday afternoon at 2 o'clock. It will be resumed this morning at 10 o'clock.