

# FRANK AFFIDAVITS FALSE, SAYS DORSEY

## Offers Evidence of Jail Plot to Convict Conley—Another Defense Witness Recants.

### HIDDEN WOMAN TO TESTIFY

#### Court Orders Defense to Produce Negress Who Swore Conley Said He Killed Mary Phagan.

Special to The New York Times.

ATLANTA, Ga., May 4.—Charges of perjury, bribery, subornation of perjury, and a deliberate attempt to manufacture evidence to convict the negro, Jim Conley, of the murder of Mary Phagan featured the hearing to-day on the extraordinary motion for a new trial for Leo M. Frank, who has been convicted of killing the girl.

Judge Ben Hill demanded of the Frank defense that Anna Maud Carter, the negro witness, be returned to the jurisdiction of the court.

"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."

Efforts will be made immediately 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 Burns Detective Agency. This letter was read to Judge Hill by Solicitor Dorsey this afternoon.

Anna Maud Carter is the colored woman who accused Jim Conley of having confessed to her the murder of Mary Phagan. A mass of evidence was introduced by the Solicitor 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 Frank was the murderer.

A surprise came in an affidavit from Mrs. Hattie Waites, the young wife of J. M. Waites, who swore that on the morning of the day Mary Phagan was slain she saw Leo Frank and Jim Conley together some time between 10 and 11 o'clock, and that they were engaged in earnest conversation.

This evidence was introduced to bear out in part that portion of Conley's testimony relating to a meeting he swore he had with Frank on the fatal morning at Forsythe and Nelson streets, when Frank was said to have instructed him to come to the pencil factory that noon to "watch for him." Mrs. Waites's affidavit had been kept secret by the Solicitor.

#### Burns Aid Arrested.

At the outset of the hearing a sensation was created when Dan S. Lehon, Southern Superintendent of the 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 attack on the Solicitor's tactics. He was cut short by Judge Hill, who instructed Deputy Sheriff Miner to take charge of him.

Attorneys Arnold and Rosser said that the witness had not intended to be in contempt. Judge Hill then ordered Lehon's words to be expunged from the records, recalled Deputy Miner, and instructed that Lehon be allowed to go his way. Only two witnesses were examined—Lehon and L. P. Eubanks.

Mary Rich, the colored woman who was alleged by the defense to have made an affidavit in which she stated that she saw Jim Conley emerge from the rear of the pencil plant at 2:15 o'clock on the date of the murder, has made an affidavit repudiating the statement credited to her and submitted by the defense, and in which she accused Rabbi David Marx and Mrs. Leo Frank, wife of the accused man.

"Some time recently," she swears, "Mrs. Lucille 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 my husband's neck.' I replied that I could not tell a lie, and 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 did not 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. Afterward 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 be the cause of it."

#### Charge Plot to Trap Conley.

Mr. 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 compromise Jim Conley. Dr. George Wrenn was a prisoner under sentence for complicity in the Gillsey diamond robbery.

One angle of this evidence is an affidavit from Frank Reese, an ex-trusty in the Tower, who worked in the prison laundry and did odd jobs.

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

"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 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 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.

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, who has been accused of bribery and other charges; Jimmie Wrenn, Burke's assistant, who has been the object of similar accusations, and Dr. George Wrenn, the convict named in the Reeves affidavit, had often conferred with Frank in the latter's cell in confirmation of Reeves's story of a jail plot to compromise Conley. Perkerson swore that Dr. Wrenn advised him and Reeves to go into Conley's cell and upon coming out pretend that Conley had confessed to Mary Phagan's murder. He said he asked Wrenn why he did not do so, and that Wrenn replied that he did not care to be mixed up in the case.

Probably the most amazing affidavit was that of the Rev. C. E. Ragsdale, in which the minister directly charged that Attorney Arthur Thurman had inspired the "confession" affidavits and that Thurman personally had paid him \$200 and \$100 to R. L. Barber for their signatures to them.

Mr. Ragsdale involved Carlton Tedder with Thurman and described Tedder as the man who apparently obtained the money. He quoted Tedder as saying: "Go ahead and sign," as he had the money.

Mr. Dorsey produced affidavits from

Phillipp Chambers, formerly office boy at the National Pencil Factory, and J. M. Gantt, also an ex-employee, swearing that the affidavits were in the office of Frank when the desk of H. F. Becker, formerly master mechanic at the factory, was brought down into Frank's office. They said that all the old order blanks, including the old carbons of requisitions, such as the Phagan murder notes were written on, were removed from the desk and placed in the outer office, not more than ten feet from Frank's office.

Both said they never had known of the order blanks being taken to the basement and destroyed, nor of pads of this sort lying around in the basement. These affidavits were submitted to dispose of the defense's contention that such pads were never in Frank's office, and could only have been found in the basement.

R. A. Devore, a photographer for A. K. Hawkes, also hit at the Becker evidence by his affidavit that he had photographed the murder notes with the special view of bringing out the order number on the blank on which one of the notes was written. He declared that the number was 1818, not 1018, as the defense had contended.

#### Another Money Offer Charged.

C. Burtus Dalton, back from Fort Myers, Fla., repudiated in an affidavit the statement he had made for C. W. Burke, and charged that Burke had offered him \$100 for his signature. Burke, according to Dalton, came to Fort Myers and represented that he wanted Dalton to sign a petition to present to the Pardon Board to save Frank from hanging. Dalton said that he was in a hurry, whereupon Burke read him a small part of the affidavit, but there was no reference to his testimony at the trial.

Dalton swore that his evidence at the trial in regard to acts of abnormality by Frank was true and again told of alleged scenes with women in Frank's office.

An affidavit of the negro, Ivey Jones, branded the affidavit credited to him by the defense as a forgery. Affidavits from Conley and another negro, Eugene Perry, corroborated Jones in his story of meeting Conley shortly after 1:30 o'clock on April 26, 1913.

A long affidavit, signed by Jim Conley, was read in denial of every essential statement in the "confession" affidavit by Annie Maud Carter, in which she charged Conley with telling her he killed Mary Phagan. Conley said that Carter had slipped him letters, that one day he saw Dr. George Wrenn drop her a letter from the second floor of the jail, and that a few minutes later she delivered it to him as one of her own letters. A specimen of the woman's handwriting was submitted as an exhibit. Conley charged that Deputy Roberts left the door open so that friends of Frank could get into his cell block.

An affidavit from J. E. Duffey told of a night ride to Austell with agents for Frank in an endeavor to keep him out of the way of detectives from Dorsey's office.

"That was truth on the run," remarked Mr. Dorsey, paraphrasing a statement by Frank: "The truth is on the march."

Mell Arnold, a relative of Duffey, signed an affidavit saying that he had got his job back with the Southern Railway after Duffey had made an affidavit for the defense.

L. P. Eubanks, who was involved in obtaining the affidavit from Duffey, admitted that he lent Duffey money, but denied that it was with the understanding that Duffey need never pay it back. An affidavit by Duffey's father contradicted this.

Helen Ferguson, in telling of the methods that she swore were used by the defense to get her out of town, said that an offer of \$100 was made to her if she would leave. This failing, she said that Jimmie Wrenn came to her, under the name of J. W. Howard, and that after that he began taking her to theatres and paying her attentions, finally proposing marriage. She said she went with him to the Grant Building, where she was induced to sign an affidavit telling of an occasion when she had been frightened by Conley. This, she said, was after she had refused to sign one changing her testimony on the stand. She said she met Burke, who represented himself as Jimmie Wrenn's father.

Later, she said, Wrenn renewed his declaration of love and tried to kiss her. She slapped his face, and thereafter his ardor cooled, according to her affidavit.

#### Lehon Attacks Dorsey.

Dan Lehon's attack on Dorsey came when the Solicitor was examining him as to the connection of the Burns agency with the Frank case, the source of Burns's pay, and the agency's connection with the Ragsdale affidavit, when Lehon interrupted:

"Can I make a statement, Judge, with reference to this case?"

"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 I have been asked."

"You cannot state that," the Judge interrupted. "It is not admissible."

"This is the most outrageous treatment," continued the witness, "from the District Attorney."

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

"I don't mean any discourtesy 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 admitted that Boots Rogers was employed by the Burns agency, and that Carlton C. Tedder was also an attache. He told of having paid C. C. Tedder \$200 on his salary a short time previous to the Ragsdale affidavit. He said the money had been obtained from Haas, from whom he got most of his fees. He admitted that the Burns agency had received large sums for its work on the case.

A development of wide interest was the report of a move on foot by the Board of Police Commissioners to revoke the license of the Burns Detective Agency permitting them to do business in Atlanta on the ground of failure to comply with police regulations and city ordinances. The matter, it is said, will be taken up at the next board meeting.

The retrial hearing was adjourned until to-morrow morning, when Solicitor Dorsey told the court officials that he would spring his greatest surprises. It is said that he has more evidence of money offers. Mr. Dorsey also announced that all evidence as to charges of bribery, perjury, and subornation of perjury would be laid before the Grand Jury.

## HELD AS DRUG SMUGGLERS.

### Barber of the Baltic and Another Arrested and Cocaine Seized.

Acting under instructions from Collector Malone, Customs Inspectors from Surveyor Henry's office and Special Treasury Agents yesterday arrested Harry Kirk, barber of the White Star Line steamship Baltic, and William Abramson of 223 Lynch Street, Brooklyn, on a charge of smuggling cocaine. United States Commissioner Shields held them in \$5,000 bail, in default of which they were committed to the Tombs.

The Customs authorities received information that cocaine was being smuggled on ships of the White Star Line. The Baltic was searched April 5 on her arrival here, but without success. Yesterday, with more complete information, the officers searched the ship at her pier in the North River without finding any traces of the drug, but arrested Kirk.

A visit was then made to Abramson's home, a where he was taken into custody, and a quantity of cocaine seized. The inspectors told the Commissioner that Kirk had been bringing in the cocaine and Abramson was disposing of it.

The Customs men are keeping a close watch on the crews of other steamships from Europe who are suspected of being engaged in the traffic.

### Feminist Forum Opens in Yonkers.

A Feminist Forum, with many New York women taking part, opened last night at the Warburton Theatre, Yonkers, and will continue every evening this week, with matinees to-day, Thursday, and Saturday. Telegrams were read from Miss Mary Garrett Hay, head of the Woman Suffrage Association of New York; Mrs. Raymond Brown, State Suffrage President, and Mrs. Mary Ware Dennett of the Nation Suffrage Association. Mrs. Arthur Livermore, President of the Yonkers Suffrage Association, spoke on "Women and the Home." Among the New York women who will speak during the week will be Miss Mary Shaw, on "The Woman in the Drama," to-morrow evening; Mrs. Frederick Nathan, on "Woman and Reform," Thursday evening, and Mrs. Charles Israels, on "Women in the Industrial Field," on Friday evening.