

BURNS HAMPERED, HE TELLS COURT

On Stand at Hearing in the Frank Case to Explain His Work.

WITNESSES BAMBOOZLED

Admits Sending One Away to Prevent Police Interference— Denies He Paid for Affidavits.

BELIEVES CONLEY IS GUILTY

But Admits He Has No New Physical or Documentary Evidence as to the Murder.

Special to The New York Times.

ATLANTA, Ga., May 2.—For more than an hour today Detective W. J. Burns submitted to a rigid examination in regard to his connection with the case of Leo M. Frank by Solicitor Hugh Dorsey before Judge B. H. Hill.

The hearing on the extraordinary motion was not to have been resumed until Monday, but it was necessary for Mr. Burns to leave town for a few days, and the hearing was called for today.

Mr. Dorsey went into every phase of the Burns investigation of the case, which began more than a month ago. He inquired closely as to the terms of the contract which he had with his clients, and asked if it were not true that he would get a larger sum if Frank were liberated. Mr. Burns denied this.

Mr. Dorsey went fully into the circumstances which led to the signing of affidavits by the Rev. C. B. Ragsdale, R. L. Barber, and Annie Maude Carter, and indicated his suspicion that money had passed in all of these instances. He was unable, however, to show that Mr. Burns had taken any other than an innocent part in obtaining the affidavits.

He inquired as to Mr. Burns' ability to tell that Frank was not morally deficient by a conversation of only a few hours, and as to his certainty that Conley was a degenerate of the worst type, when he had not seen the negro at all.

Solicitor Dorsey was extremely persistent in his efforts to get the detective to say what evidence he had unearthed not already made public, what witnesses, whom he had seen, and what new witnesses, if any, he had discovered.

"If you had no part in the Ragsdale matter and not a part in the Annie Maude Carter letters, will you please tell the court one thing that you have done in this investigation? You have been here sixty to ninety days. Mr. Burns, what have you been doing all this time?"

Mr. Burns replied that he had gone thoroughly over the briefs of evidence; that he had examined important witnesses that he had visited the National Pencil Factory and had visited the Solicitor in his office.

"And what was the result of all this work?" asked Mr. Dorsey.

"I made reports to my clients," said Mr. Burns, "in which I told them that they didn't need any evidence aside from that which was submitted at the first trial, that this showed beyond a doubt that Conley was the man guilty of the crime."

The solicitor brought out the fact that every bit of evidence which had been discovered by Mr. Burns or his agents was either now a part of the record or was in the hands of the attorney for the defense.

The solicitor also learned that Mr. Burns had no further evidence, either physical, documentary, or in testimony. In answer to a question Mr. Burns stated that so far as he knew the defense had no witnesses whose testimony had been injected into the case. Mr. Dorsey also got the admission that Mr. Burns had discovered no proof of a crime committed by Conley.

Hampered, Says Burns.

By cross-examination, Attorney Reuben R. Arnold of the defense brought out the statement from the detective that he had been blocked and hampered in his work here in a surprising manner. On direct examination Mr. Burns cited the Monteen Stover and the Conley incidents as "the most outrageous examples of the manner in which his work had been hampered. Judge Hill here interrupted with the remark:

"I am not going to allow this witness to answer any question which reflects upon the verdict of the jury or the decision of the Supreme Court of Georgia. At one time Mr. Burns found himself in contempt of court when he admitted that he had advised attorneys for Frank to take a witness away from the city. In answer to a question he said he had suggested to counsel for Frank that they remove Anna Maude Carter to New Orleans to prevent complications in her connection with the newly discovered evidence. She is the colored woman who has made an affidavit to the effect that Conley confessed to murdering Mary Phagan."

This witness is now in New Orleans. Mr. Burns stated that he had advised her removal from Atlanta because of his fear that the police and detectives would get hold of her and distort her evidence by the kind of "frame-up" which he said had been practiced by the detectives in the Frank case.

Solicitor Dorsey after conferring with his assistant, Gen. E. A. Stephens, would not state whether he would institute contempt charges against either Mr. Burns or those members of Frank's defense who had a hand in the removal of the Carter woman.

Dan S. Lehon, a Burns agent, was subpoenaed to appear before Judge Hill, but his examination was deferred until Monday.

Detective Burns was examined as follows:

Burns Under Examination.

Q.—You are employed to investigate the murder of Mary Phagan, are you not? A.—I am.

Q.—By whom? A.—I was first employed by Leonard and Herbert Haas.

Q.—Attorneys for Frank? A.—Yes.

Q.—You have been paid some money, and some more is still due you? A.—Yes.

Q.—This is conditional on your finding? A.—No.

Q.—Is there a contract in writing for your services? A.—Yes.

Q.—What is the difference in the event Frank is liberated through your efforts? A.—No difference.

Q.—You have seen Frank in the jail, and conferred with him frequently? A.—Yes.

Q.—After you had talked with him a short time you were quoted in the papers as saying that he was not a pervert. Were you quoted correctly? A.—Yes.

Q.—Do you profess to be able, by talking to a man a short while to tell whether he is a pervert? A.—No, but I feel that by talking to him I can form a definite conclusion.

Q.—How do you tell that a man is not a pervert? (Objection by Mr. Arnold overruled.) A.—I am somewhat of a student of human nature. As I work with criminal classes I frequently come in contact with them.

Q.—You consider your opinion in the matter is trustworthy and accurate? A.—I do.

Q.—Did you have any conversation with Jim Conley before you came to the conclusion that he is a pervert? A.—No.

Q.—Then in his case you substituted a less trustworthy method? A.—After reading the letters that Conley wrote, and after examining the statements of Mary Phagan, I decided definitely that Conley is a pervert.

Q.—How do you know he wrote the letters? A.—I compared them with the so-called murder notes.

Not a Handwriting Expert.

Q.—Are you a handwriting expert, too? A.—No, but there are so many similar characteristics, there is no mistaking the letters.

Q.—Mr. Burns, Mr. Smith, Conley's counsel gave you an opportunity to see Conley. Why did you not avail yourself of this privilege? A.—Because of the restrictions thrown around it.

Q.—Have you a man named Bob Adams in the employ of your agency? A.—I have a

man named Adams. I don't know whether his first name is Bob.

Q.—Have you a man named W. W. Rogers, known as Doc Rogers? A.—Yes.

Q.—Have you a man named Charles Isom? A.—No.

Q.—Did Charles Isom go to Chicago with you to assist you in your interview with the negro, Aaron Allen? A.—He did not.

Q.—Didn't you have Allen in your charge for three days and bring same to Chicago to interview him? A.—No.

Q.—Isom did come to Chicago to see Allen, didn't he? A.—Yes.

Q.—How did it happen to come there to see Allen? Who sent him? A.—I received a telegram from Herbert Haas, who said Isom was coming to Chicago and could get the truth out of Allen.

Q.—Jake Jacobs was there to see Allen, too, wasn't he? A.—Yes.

Q.—Have you got a man named O'Neal working for you? A.—Yes.

Q.—This man O'Neal went to Indianapolis after Allen and brought him back here to Chicago, didn't he? A.—Yes. He didn't see Mr. Burns. A.—I don't know anything about him having been sick, but he came to Chicago with O'Neal.

Q.—Hedn't you advised Allen two or three times before Isom came to Chicago, and hadn't you obtained an affidavit from him? A.—Yes. I had talked to him two or three times and had obtained a statement from him.

Q.—On the train returning from Chicago, Mr. Burns, didn't you state to Isom that you had got the affidavit you wanted from Allen? A.—No.

Q.—Didn't Isom report to you? A.—No. I asked him what he got from Allen. He told me nothing much; that he, Allen, had been placed in a cell with Newt Lee at Police Headquarters in Chicago, while he went back to his home, Allen, that he, Newt Lee, was innocent, and that a white man had been put in a cell with Lee and had told Lee he had better keep his mouth shut or he would get us all in bad.

Q.—Mr. Stiles Hopkins was in Chicago, wasn't he? A.—Yes; he took Allen's affidavit, didn't he? A.—Yes.

Q.—What time was Jake Jacobs, the Deatur Street pawnbroker, there? A.—They were all there about the time Allen was here.

Q.—Jake Jacobs is the man who swears to the character of Anna Maude Carter, isn't he? A.—I don't know.

Q.—Mr. Burns, did you say to Allen, "Didn't you curse and abuse him? A.—I did not."

Talk of a Stack of Money.

Q.—Mr. Burns, tell us about the stack of money left on the table in your main office while Allen was there and while the rest of you withdrew from the room. A.—No such thing happened.

Q.—Did you pay Allen anything? A.—No.

Q.—Didn't you authorize O'Neal to go to Indianapolis and tell Allen that you wanted him to do some work for you in an effort to catch a negro? A.—No.

Q.—What other did you have for taking Allen to Chicago and detaining him there? A.—I never told him to Chicago, and I never detained him there.

Q.—Do you deny that Isom was paid \$100 for his trip to Chicago? A.—I never paid him anything.

Q.—Have you a man in your employ named Carlton C. Tedder? A.—I have not employed such a man.

Q.—He is working for some of your agents, isn't he? A.—I think he has been employed by Mr. Lehon.

Q.—You have conferred with Tedder, haven't you? A.—Yes.

Q.—What work did you have him doing? Working on the Conley case? A.—Yes.

Q.—Didn't you just say you were employed to work on the Frank case? If so, why did you have Tedder working on the Conley case? A.—I was employed to work on both cases.

Q.—Why did you put Tedder on the Conley case? A.—I never employed Tedder. I don't know just what arrangements Lehon had with him.

Q.—Isn't Lehon one of your lieutenants, and doesn't he make his reports to you? A.—Lehon doesn't always report to me.

Q.—Lehon is in charge of your investigations while you are traveling about the country investigating other tangles, isn't he? A.—Yes.

Q.—Doesn't he make written reports to you? A.—Not always.

Q.—Then he reports verbally to you? A.—Some times.

Q.—Eventually and ultimately, do you get all the reports from your men in every case? A.—No.

Q.—Who does get the reports? A.—Mr. Sears, the local manager, has charge of that; and our man Hausse gets some of the reports.

Questioned About Trials.

Q.—Tell the court here why it is you have been making special trips, traveling all over the country, to Chicago, Kansas City, and other places investigating various angles of the case, though you were specially employed to direct the investigation here, and still you don't get all reports either verbally or in writing. A.—I do not get them.

Q.—Are matters reported to Frank's counsel before they are reported to you? A.—No.

Q.—Don't you report everything to Frank's counsel? A.—No.

Q.—Who does? A.—Lehon and others.

Q.—Why do you report to them? A.—So they will know what is going on in the case.

Q.—When you conferred with Attorney Smith, Conley's lawyer, about the affidavits was reporting to Smith, didn't you? A.—Yes.

Q.—At that time didn't you ask Smith if Tedder could be trusted implicitly? A.—Yes.

Q.—Why did you ask that question? A.—I wished to know if Tedder was trustworthy.

Q.—Did you direct your activities toward the conviction of Conley and the demonstration of Frank as an innocent man? A.—No, not if Conley was innocent.

Q.—When did you first know of the Ragsdale matter? A.—Mr. Lehon first spoke to me about it.

Q.—What did he say? A.—He said there was a preacher who claimed to have been in an alley, and I stopped him right there. I didn't want to hear any more alley propositions.

Q.—Then you had been surfeited with that? A.—Yes.

Q.—Who was the man in Chicago who claimed to have picked up a pocketbook and a pencil in the alley? A.—I forget the man's name.

Q.—Didn't you take an affidavit from him? A.—No.

Q.—Who did? A.—Mr. Haas, I think.

Q.—Is that affidavit in the city? A.—I think it is.

Q.—How many of these alley propositions did you hear of? A.—Three or four hundred, I think.

Q.—Did you find in Chicago a man who claimed to have been in the alley, and who claimed to have picked up a pocketbook and a pencil and a memorandum? A.—I didn't find him.

Q.—Who are some of these three or four hundred propositions? A.—The operatives kept telling me of them.

Q.—Why, for instance? A.—Mr. Lehon and I were continually hearing about a number of people who claimed to have been in the alley.

Q.—Did you dig up a man in Chicago? A.—Yes.

Q.—Did you see the memorandum? A.—Yes, and I doubted that the memorandum was Conley's handwriting.

Q.—Whose writing was it in? A.—I think it was in the man's own writing.

Q.—Is that the purse you spoke about? A.—I don't remember.

Q.—Have you in your safe a purse that was claimed to have been found in the alley? A.—No.

Misquoted by Newspapers.

Q.—You were credited with stories in the newspapers of Cleveland with saying that the guilty man in this case was at large? Is that report correct? A.—No. The newspapers have often misquoted me.

Q.—Tobie is your man in Chicago, isn't he? A.—Yes.

Q.—He was employed down here in this case, wasn't he? A.—I understand by hearsay that he was.

Q.—Who employed him? A.—I understand Tom Peiler did.

Q.—Did Tobie ever report on the case to you? A.—No.

Q.—Did you ever hear of what Tobie found? A.—Only through the newspapers.

Q.—When did the Ragsdale matter first come to your attention? A.—A week or ten days before he made the affidavit.

Q.—Who else was present when Lehon brought it to your attention? A.—Possibly Sears.

Q.—When did you next hear of it? A.—Lehon came in and said the character of the preacher had been established, wait a minute, I did hear from Lehon before then that the preacher was corroborated, and I told him then I did not want to have anything to do with a man who had such much knowledge and withheld it so long. Lehon later came in and told me the man's character had been sustained. I told him I would have nothing to do with it, and advised him to take the matter to the attorneys and let them investigate it.

Q.—When was that? A.—Two or three days before the affidavit was made.

Q.—Did you ever talk with Arthur Thurman? A.—No.

Q.—Did you know that Messrs. Arnold and Rosser had talked about it? A.—I don't remember.

Q.—Do you know if any money was paid to Ragsdale? A.—I do not.

Q.—To Barber? A.—I do not.

Q.—To C. C. Tedder? A.—No.

Q.—To Arthur Thurman? A.—No.

Q.—Would you have known, or would the money have been handled in such a way you would not know? A.—If any of my men did such a thing he violated all the rules of the agency.

Q.—You are more familiar with the Anna Maude Carter proposition than with the Ragsdale incident, are you not? A.—Yes.

Q.—Then you are a discoverer of that, are you not? A.—I wouldn't say that.

Q.—Who discovered it? A.—I first saw her in the office of Attorney Haas.

Q.—Did you ever come in contact with Jimmie Wrenn? A.—Yes, I saw two Wrenns.

Q.—Were they ever here? A.—I never saw them. A.—I saw them while they were working with Burke.

Q.—Have you ever been to see Frank with Burke? A.—No never.

Q.—Did you ever see Dr. George Wrenn in the tower? A.—No.

Q.—What did Mr. Burns handle the Wrenn matter? A.—None that I know of.

Q.—When did you see Wrenn? A.—He

came to my office when I sent for him to get some one who was familiar with the letters.

Q.—Was that Dr. Wrenn? A.—I don't know. It was a man about 25 or 26 years old.

Q.—He is the man who furnished you with the translation of these letters? A.—He translated them for me, then Leonard Haas translated them.

Q.—Who did you tell counsel for Frank about the notes? A.—Two of them, Messrs. Leonard and Herbert Haas, were present when I got them.

Q.—How long before the first hearing of the extraordinary motion was that? A.—I don't know.

Q.—When was it? A.—Wrenn interpreted the notes only four or five days ago.

Q.—How long did you have them in your possession before they were interpreted? A.—Two or three days.

Q.—Who gave them to you? A.—C. W. Burke.

Q.—Then Burke deserves the credit for this? A.—Yes.

Tells What He Did in Case.

Q.—Tell us of one thing you have done in the how long it is, sixty days—that you have been at work on this case? A.—Well, I have read the brief of evidence very carefully. I went over the factory, I interviewed the witnesses there, I came to your office and examined the garments of the dead girl, and I made a report to the attorneys that they didn't need any more evidence because the case was in the hands of the law.

Q.—There were over 100 State's witnesses. How many of them have you examined? A.—I don't know.

Q.—Didn't you read the record? A.—I read the brief.

Q.—Name some of the witnesses you have examined? A.—Yes, Darling, Leason, Quinn, Holloway, Frank himself. I don't remember the others.

Q.—Did you employ Booth Rogers to work for you in this case? A.—Yes.

Q.—Have you got him to change his testimony? A.—No.

Q.—Did you interview Monteen Stover? A.—I tried.

Q.—Have you seen Newt Lee? A.—No.

Q.—Did you talk with Sturmes and Campbell? A.—No.

Q.—Did you try to see the other witness, Lee? A.—No.

Q.—Did you try twice to see Monteen Stover? A.—Yes.

Q.—Tell us about the first time. A.—That was in the office of Attorney Boorstein. I told Leonard Haas I would like to talk to the Stover girl, but she wouldn't talk to me. I didn't want to talk to her without her permission of her parents. Later I told Boorstein the same thing. Later Haas phoned me and she and her parents went to the office. I went immediately over there. As I reached the door Boorstein said, "Come in, Mr. Burns," and she girl jumped up and went out of the door with her mother after her. I told him to let her go, that I didn't want to speak to her if she didn't want to talk to me.

Q.—Did you make arrangements with anybody to try to hold her? A.—No.

Q.—Did you have the stenographer try to catch her? A.—No.

Q.—Did you talk with Mr. Edmondson, her stepfather, then? A.—Yes.

Q.—Have you talked to Dr. Claud Smith, who examined the blood stains on the second floor? A.—No.

Q.—Have you talked to either of the doctors employed by the defense to make an examination of the blood there? A.—No.

Q.—Did you pay any attention to that phase of the case? A.—Why, of course, I did talk to the witnesses.

Q.—Did you talk to Mr. Stantford? A.—No.

Q.—Did you talk to Barrett? A.—No.

Q.—Did Frank tell you who was with him there and down there? A.—I have never examined the blood spots? A.—I have never heard of such an incident.

Q.—Did you talk to Lee? A.—No.

Q.—Did you examine the blood spots found where the witness was sitting? A.—I talked with McWorth and Whitefield about them and they showed me where they were clipped.

Q.—Whitefield works for you, doesn't he? A.—I think he does.

Q.—What became of these chips? A.—They were turned over to the Pinkertons and thrown away. I understand.

Q.—Are you sure that they were clipped up? A.—Yes.

Q.—You mean there on the first floor they were clipped up? A.—Yes.

Q.—You understand, I don't mean the second floor, I mean the first floor. That's what I mean. McWorth told me about finding the spots and showed me where they were clipped up.

Q.—McWorth is now employed as assistant superintendent of your agency, is he not? A.—Yes.

Q.—In his job matters? A.—Yes.

Q.—Did he tell you about the club? A.—Yes.

Q.—Have you seen it? A.—Yes.

Q.—Have you seen the blood stains on it? A.—Yes.

Mr. Burns then explained that he was going to Oklahoma on business and was asked:

Q.—When will you come back here? A.—In about ten days.

Q.—Have you any evidence you have not reported to the attorney for the defense? A.—No.

Q.—When did you last report? A.—I have kept reporting developments daily.

Q.—When you were in my office you spoke of a final report. Have you made that? A.—Yes, but it is not in final form.

Q.—Will it be made public? A.—I have advised that it be not.

Witnesses Bamboozled.

Q.—Why? A.—It looks as if every time a witness is found he is bamboozled or turned about, and I have given it as my advice that as soon as a witness of importance is found he be sent out of town.

Q.—Did you direct that course in the Carter case? A.—I suggested it.

Q.—Who got her out of town? A.—Mr. Lehon, I think.

Q.—Where did he send her? A.—To New Orleans, said Burns, after objecting.

Q.—After she made her affidavit in this case and became a witness, you mean to tell the court you advised and had her sent out of its jurisdiction? A.—Yes, I suggested and advised that she be sent away.

Q.—At what place in New Orleans is she? A.—I don't know.

Q.—Isn't she at 314 Lover Line? A.—I don't know.

Q.—Do you know anything about 314 Lover Line? A.—No.

Q.—Isn't she working for you or your agency there? A.—No.

Q.—Are you sure of that? A.—Yes.

Q.—Is she working for any of your agents or representatives? A.—No.

Q.—What did you pay Annie Maude Carter? A.—Nothing.

Q.—Don't you know what, if anything, was paid her? A.—No.

Q.—Was any money given her by Dr. Wrenn for her notes and evidence? A.—I don't know.

Q.—Who handled the Carter woman last before you got hold of her? A.—The Messrs. Haas.

Q.—What was it you told the Carter woman's mother when she came to you about her daughter? A.—I told her I would arrange for her to go to see her daughter.

Q.—Did you do it? A.—No, she never came back.

Q.—Who attended to the details of getting Annie Carter out of town? A.—I don't know, perhaps Mr. Lehon.

No More Evidence.

Q.—Mr. Burns, have you in your possession or within your knowledge any evidence of a physical nature, not already before the court, tending to expose the murder of Mary Phagan? A.—No.

Q.—Have you any documentary evidence in your possession or within your knowledge not already before the court, tending to expose the murder of Mary Phagan? A.—No.

Q.—Mr. Burns, I want to put those questions a little differently. Have you, in your possession or within your knowledge, any physical evidence not already turned over to the lawyers for the defense which tends to expose the murder of Mary Phagan? A.—No.

Q.—Have you any knowledge of any witnesses or other evidence tending to expose the murderer of Mary Phagan, which you have not already turned over to the lawyers for the defense? A.—No.