

the least doubt in my mind that these letters were written by the same person who wrote the notes found by the dead body of Mary Phagan.

S. N. TITTLEBAUM, Sworn for the Movant. I am a court reporter and reported the oral argument made by Solicitor General H.M. Dorsey to the jury in the matter of the State vs. Leo M. Frank in Dulton Superior Court, on August 22, 23 and 25th. The Solicitor made the following statements:

(page 78) "...this man Frank, by the language of these notes, in attempting to fasten the crime upon another, has indelibly fixed it upon himself. I repeat it, these notes, which were intended to fix the crime upon another, have indelibly fixed it upon this defendant, Leo M. Frank. (page 79) And this man, here, by these notes purporting to have been written by little Mary Phagan, by the verbiage and the language and the context, in trying to fasten it on another, as sure as you are sitting in this jury box has indelibly fastened it on himself. (page 80) This letter that I hold in my hand says that this negro 'did it', 'did it', 'did it'. Old Jim Conley in his statement here, which I hold in my hand, every time he opened his mouth says, 'I done it' and 'I done it' and 'I done it'. Old Jim Conley if he had written these notes, never would have said 'this negro did it by hisself', but Frank wanted it understood that the man that did it, 'did it by hisself'. (page 81) My! My! 'That negro fireman down here did this'. ~~That's what they say, that's what the man that says says~~ ~~Now, let's see how many times Jim says 'done it'.~~ 'I locked the door like he done told me, I remembers that because the man what was with the baby looked at me like he thought I done it'. That's when they ran into the man that Jim says that man looked at him like he thought 'I done it'. It's the difference between ignorance and education, and these notes that you had that man prepare in your office on this paper that stayed on that floor and on that pad that came from your office, bears the marks of your diction, and Starnes and Campbell, with all their ingenuity, couldn't have anticipated that old Jim would get up here and state that 'this man looked at me when we ran into that baby like I done it'; and couldn't have said 'I locked the door like he done told me'; and couldn't have said 'I went on and walked up to Mr. Frank and told him that girl was done dead, he done just like this and said sh-h-h'. I could go on with other instances. (page 91) ..and it's a reasonable tale that old Jim tells you, and old Jim says, 'I done it', not 'I did it', but 'I done it' just exactly like this brilliant superintendent told him. There's your plot. (page 172) The diction of the notes, 'this negro did this', and old Jim throughout his statement says 'I done it', sustains Jim Conley. (page 174) Maybe he did, in certain instances, say that he did so and so, but you said in your argument that if there is anything in this world a negro will do is to pick up the language of the man for whom he works; and while I'll assert that there are some instances you can pick out in which he used that word, that there are other instances you might pick showing that he used the word 'I done' and they know it."

LEONARD HAAS, Sworn for the Movant. I have read the brief filed by the Solicitor General in the Supreme Court, and said brief contains

the following language: "These letters have intrinsic marks of a knowledge of this transaction. First: the pads were both usually found in his office and near his office. The language of these notes in attempting to fasten the crime upon another has indelibly fixed it upon himself. The pad, the paper, the language, yes, even the fact that the notes were written, show- not that the negro committed the crime, but another."

78 W. CARROLL LATIMER, ALBERT E. MEYER, Sworn for the Movant. We are acquainted with Leonard Haas and Henry A. Alexander and know their gen-

eral character for truth and veracity. The same is good and we would believe them on oath in a court of law.

WILLIAM J. BURNS, Sworn for the Movant. In the office of Solicitor General Dorsey I carefully examined the clothes taken from the body of Mary Phagan and found the same to be the following condition: The inside seam of the drawers was cut, not with a sudden rip, but deliberately, by one who took his own time in doing it. The cut began at the lower right leg, continuing up across the crotch and partially down the left leg. The drawers themselves were extremely baggy and roomy - This left the anatomy of the little girl fully exposed, with the exception of the knitted undershirt, the garment that was worn next to her skin, which adhered closely to the body and came down pretty well over the hips, the knitted undershirt was also cut, the cut starting on the left side, extending up about four or five inches, then the cut extended across the shirt to the left side. There was also a cut over one of the breasts of the shirt, which exposed the left breast. The drawers themselves, and the stitches indicate that the drawers were cut and not torn, and at the crotch you can see where the knife slipped and the material, itself was cut. There is blood and urine all over the front of the skirt almost from the bottom up to the breasts. *attested by C. W. Burke as notary*

DAVID MARX, ISAAC H. HAAS, Sworn for the Movant. We are acquainted with Wm. J. Burns. His character for truth and veracity is good, and we would believe him on oath in a court of law.

H. A. ALEXANDER, Sworn for the Movant. I accompanied Wm. J. Burns when he called at Solicitor General Dorsey's office and saw the said Burns examine the clothes taken from the body of little Mary Phagan. *attested by C. W. Burke as notary*

JAMES I. ENNIS, Sworn for the Movant. I am a handwriting expert from Chicago, Ill. I have been engaged in this work for about twenty five years. I have testified in probably 300 cases. For the past two years and a half I have been one of the Masters in Chancery of Cook County. I lecture for the Illinois Bankers Assn. the American Institute of Banking, the Walton School of Accountancy, the Chicago Business Law School. I have done most of the work of the U.S. District Attorney's office and the U.S. Secret Service in the City of Chicago for the last sixteen years. As to this case, I have been called in to the case by Mr. Herbert J. Haas, who requested

ed me to make a comparison of the handwriting which appeared on the two notes found by the body of Mary Phagan, and copies of which appear as State's Exhibits Y and Z in the brief of the evidence filed in this case, with the handwriting of the letters attached to the Annie Maude Carter affidavit of April 23, 1914. Mr. Haas placed in my possession these letters, together with the original notes. Mr. Haas gave me these exhibits with the statement that I was to compare the handwriting and to give my opinion as to whether or not all of the writing was written by the same person, or if it was the handwriting of more than one person. I spent five hours today in thoroughly examining, comparing and analysing the handwriting appearing in all these documents, said documents being two original notes and the twenty seven pages comprising the letters attached to the Annie Maude Carter affidavit, and from such examination, comparison and analysis, I am of the opinion that the same person wrote each and every specimen of the handwriting submitted to me. After I had so reported to Mr. Haas, he asked me whether or not, in my opinion, the two original notes were written by the same or different person from the person who wrote the other letters shown me. I told him, as before, that they were made by the one person, and that but one person was the author of each and every specimen furnished me. The many, many striking points of similarity are so great that in my opinion, it would be impossible for more than one person to have exhibited all the peculiar characteristics exhibited in the two original notes, which are reproduced in all of the other exhibits.

~~Exhibits~~ My associates are Francis W. Walker, Attorney at law, E.D. Hulbert Chicago, Vice-President Merchants Loan & Trust Company Bank, Chicago; Judge Marcus Kavanaugh, Judge Superior Court, Cook County, Ill; E.G. Sims, Ex-E.U. District Attorney, Orson Smith, Pres. Merchants Loan & Trust Company Bank, Chicago.

ORSON SMITH, EDMUND D. HULBERT, FRANCIS W. WALKER, Sworn for the Movant. We know James I. Ennis and know his general character for truth and veracity. Said character is good and we would believe him on oath in a court of law. We know that James I. Ennis is an expert in handwriting and has had twenty five years experience as a handwriting expert.

COUNTER SHOWING OF THE STATE.

GROUND 1.

W. A. GHEESLING, Sworn for the State. I am the undertaker who took charge of the body of Mary Phagan and who swore upon the trial of the case of the State of Georgia vs. Leo M. Frank and Jim Conley. On Sunday morning, April 27, 1913, one of the first things that I did was to clean up the body of Mary Phagan, and among other things I washed her hair thoroughly with pine tar soap. The effect of pine tar soap on hair is always to change the color of the same, and as a matter of fact the washing of Mary Phagan's hair with the pine tar soap did change the color of Mary Phagan's hair. It rendered the hair lighter. This change was very perceptible to the eye. The effect of washing the hair with pine tar soap was not only to cut out the dirt that had gathered in the same, but also took out and off of the hair all of the oil which is usually found on the hair of living persons. Mary Phagan was buried on Tuesday following the day that I washed her hair. I have been an undertaker for eighteen years, and I personally know that it frequently happens that hair on dead persons' heads grows both in length and size.

J. W. COLEMAN, Sworn for the State. I am the husband of Mrs. Fannie Coleman. Mrs. Fannie Coleman was the mother of Mary Phagan, who was killed at the National Pencil Factory. I am the step father of Mary Phagan. I have known Mary Phagan for about four years before her death, and she lived with me and her mother in our home, from the time of our marriage up to the time of her death. I saw the hairs which were taken from the lathe handle in the pencil factory. I saw them at the City Police Headquarters. They were exhibited to me by city detective Black. The hair exhibited to me by officer Black resembled in every way, that I could tell by the naked eye the hair of Mary Phagan. I looked at the hair closely and did my best to arrive a true conclusion, and to the best of my knowledge and belief, the hair exhibited to me by officer Black, as the hair recovered from the lathe in the factory, was the hair of Mary Phagan, my step-daughter, who was killed at the factory. This hair was exhibited to me a few days after the killing.

JOHN R. BLACK, Sworn for the State. I am the party referred to in the above affidavit of Mr. John W. Coleman, and that I did so exhibit the hairs recovered from the factory and delivered to me as the hairs recovered by Barrett on the lathe of the National Pencil Company, and the hairs examined by said J. W. Coleman are the same hairs recovered and said J. W. Coleman did as above indicated state upon examining said hairs at the city police headquarters, that to the best of his knowledge and belief they were the hairs of Mary Phagan, who was killed. These hairs examined and referred to in the above affidavit of Mr. Coleman are the same hairs that were delivered to Dr. Harris at the State Capitol, I being present when said hairs were delivered to Dr. Harris.

MRS. L. L. ARMSTRONG, Sworn for the State. I am the proprietor of the Sanitary Hairdressing School at 100 $\frac{1}{2}$  Whitehall Street. During the many years experience I have had in the business of hairdressing and dealing in human hair I have examined hundreds of specimens of hair and know it to be an established fact that hair from the same head often varies widely, both in color and in texture. As a general rule samples of hair taken from the ends of a long strand of hair are of a lighter shade than samples taken from closer to the base. It is also a fact that a small sample of hair, consisting of only a few strands, when compared with a larger sample, of hair from the same head, will almost always look lighter in color, especially if the hair is of a light shade. Attached hereto is a small sample of hair which I myself cut from a person's head today. Examination of this sample shows that one end is much lighter in color than the other end, the light colored end (a slightly reddish color) being the extremity of the hair and the darker brown colored being the end next the scalp. I have seen many cases like this, and some in which the variation in color was even more marked than this.

(Attached to the affidavit is the hair referred to therein)

MISS JIMMIE MAYFIELD, Sworn for the State. I am employed at the National Pencil Company and have been there about a year and a half.

I have read ground #2 of the extraordinary motion for new trial in the above case and they have me quoted as saying "the said Jimmie Mayfield now states positively that the hair showed to her by the said Barrett, was not the hair of Mary Phagan, and that the same was

entirely too light in color and was not of the same texture as that of Mary Phagan." This statement is false and untrue. I did not say positively that it was not Mary Phagan's hair, for I did not know, and do not know now. I did say that the hair Mr. Barrett showed me was too light for Mary's hair, but I could not say positively that it wasn't her hair. I have read the foregoing statement which I made in the presence of officers J.N. Starnes, and Pat Campbell and my father and mother, Mr. and Mrs. S.I. Mayfield.

MRS. CORA FALTA, Sworn for the State. I have been working at the National Pencil Company's factory for five years. One Monday, April 28, 1913, we were all at work and Magnolia Kennedy come running in the room and said "we have found some of Mary's hair on the lathe machine" and we all quit work and went out there and looked at it. I just did take a look at it and then walked away, and I could not say how many strands of hair were on the machine, and I said "Mary's hair was kind of dark and that hair looks light", and then I walked away. That is all I said about it. About ten days ago, Mr. Burke come down to the National Pencil Company to get me to sign an affidavit regarding the color and texture of Mary Phagan's hair, and he had the affidavit written out when he came, and he read it to me, and that affidavit quoted me as saying that "I would swear positively that the hair found on that lathe machine was not Mary Phagan's because it was too light and not of the same texture as Mary Phagan's hair" and I told Mr. Burke right then that I did not say positively it wasn't Mary Phagan's hair, because I didn't know whether it was or not, and I told Mr. Burke he would have to take that part of it out, and he said that was all right, that they would fix that all right. When I told Mr. Burke to scratch out that part of it, about swearing positively it wasn't Mary Phagan's hair, that big man, whom I have since learned is Mr. Lehon, he come right up to me and said "Oh, no, of course not, none of us can say positive, but we will fix that all right". I held up my hand and swore to this affidavit when they said they would scratch out that part I told them to. I did not know then and I do not know now whether that was Mary Phagan's hair which was found on the lathe. I have just been shown a copy of the extraordinary motion for a new trial in the above stated case, and in ground #3. pages 5 and 6, they

have me quoted as saying "positively that the hair on said lathe was not the hair of Mary Phagan, and that the same was entirely too light in color and not of the same texture". This statement is absolutely false and untrue.

GROUND #4.

BASS ROSSER, Sworn for the State. I have examined the stenographer's report of the trial of the case of State vs. Leo M. Frank, same comprises seven large volumes, written on legal cap paper, and covers 3,647 pages.

5th GROUND.

ALBERT MCKNIGHT, Sworn for the State. I have heard read to me the affidavit which has my signature on it, and which I swore to before G.C. February on the 15th day of April, 1914, and witnessed by several white men, this being the affidavit that was taken from me at the police station recently. This paper is just exactly as I spoke it. This affidavit is absolutely true. The reason I made the affidavit for Burke was because he kept an after me. Burke came to me and told me that he would get me a job at the Terminal Station, making \$10.00 a week, and he said the tips I would get around there would average \$100. He asked me how much I was making, and I told him \$7.00 a week. He asked me hadn't I rather have a job like that than have one just making \$28.00. I told him yes. He says, "Why don't you go on then and tell me the truth," says, that "there isn't one out of a hundred believes what you told on the stand." He asked me could he learn me how to drive his automobile, and I told him yes. He says, "Well, then, if you wouldn't like the job around the Terminal Station, I will learn you how to drive the car, and move you in a little house out near me, and Minola can work for me if she wants to. The job he got me was a job at a guano house. I wouldn't take that job, and he sent me then down to Schoen Bros., 325 Decatur St. packing hides. Schoen Bros. are Jews. I worked down there five days. I lays off then until next Monday. He promised <sup>me</sup> that Terminal job and never gave me that, and promised to learn me to drive his automobile and didn't give me that job. I got hurt at a crossing on McDaniel Street. I was hiding out to keep away from the detectives. 84 Burke told me that they were looking for me to make a witness out out of me in the Conleya case. This is the first I knew they were

looking for me. He told me to leave town that Sunday before the Conley case came up the next week. He told me not to let them get me by any means. I asked him if I went to Stockbridge to my mother's would that be all right, and he said yes, just so I got out of town and didn't let them get me. After I was hurt they took me down to Fairhaven Hospital, colored. When I was down there Burke came down and ~~knocked down~~ brought a man by the name of Burns and some Jew, whose name I don't know. Burns went over with me, in Burke's presence the same things that I stated to Burke, and I told the same thing, I told Burke, but Burke knew that I was not telling the truth. I am now staying at the police station because I want to stay there to keep Burke and his crowd from worrying me. While I was over at the hospital, while Mr. Burns and Mr. Burke were present, they tried to get me to say that the city detectives beat me up. They asked me if I was sure the train hit me, said I had a scar on the back of my head, and I couldn't have got bruised up by getting struck by the train, that they believed the detectives beat me up. They asked me "Do you know for certain that the train hit you?" I told them yes sir. Burke gave me the attached card and said to leave town, and if any of the detectives got me to call him up and he would come to see about me. Nobody has mistreated me since I have been staying at the station house. I have read over as best as I could this affidavit and the affidavit I swore to before G.C. Debruary, on 16th of April, 1914, and I have written my name on each page to this affidavit, and of that affidavit, both of which I say contain true statements.

(Attached to the above affidavit is the card of C.W. Burke, referred to in the affidavit, with the name Albert McInight written across it).

Mr. Burke come out to my house three or four times to see me in the afternoon, but he didn't catch me there until he had made the third or fourth trip, and he caught me there at seven thirty and I was in bed, and he sat down and talked to me, the way people do and that I had to die, and if I had to die then did I think I would go to heaven and all like that and I said yes, and all the time I knew what he was after, for me to change my affidavit, and Minnie would tell me at night that these fellow had been out there to see me, and I said what for and she claimed she didn't know, and he come



the second time and I wasn't there, and he come again, I think it was Thursday or Friday, and I wouldn't make him no affidavit, and then he says "I will come to see you Sunday afternoon, will you be here, and I said yes sir, and he said I will be here at 2 or 3 o'clock and I said all right, and so he come out there that evening. There was nobody with him that Sunday I give him the affidavit, and he told me, he says "there isn't one out of hundred that will believe what you testified to on the stand" and I says "I can't help that, it was the truth" and he said "that is a damned lie, you know it aint the truth, why don't you tell me the truth now, your wife has told me that you told her it wasn't the truth" and I told him I didn't tell her that. He wanted me to make another affidavit, and he said "didn't Craven offer you a whole lot of money or give you some money to make the affidavit" and I said no he didn't promise me nothing, I made it of my own free will" and Mr. Burke keeps after me until I would say I would make him one and so I said all right and I said I don't know nothing about it, I wasn't there on that day I was there at 12 o'clock and leaves there at 12:30" and I says "I was not at home when Mr. Frank come in, whether he was there or not, I don't know for I wasn't there" and Mr. Burke wrote all of that down, and I told him all of this affidavit was a lie, and that it was made up, and when I told Mr. Burke it was made up by me, he wrote it down as Mr. Craven preparing it for me, and I swore to it, but I didn't tell him Mr. Craven prepared it for me, and he says, he asked me a whole lot of questions, he said if I hadn't changed my affidavit and told the truth the Jews were fixing to do something to me, he never did say what they would do only he said they would kill me if I hadn't changed my statement and told the truth, and I told him that I told the truth the first time, and he says I gained more friends by changing my statement. I never did make but one statement to Mr. Burke, but I have signed three or four for him, I signed one yesterday for him, I was at the Terminal Restaurant, and Mr. Burke comes in the cook room where I was at and said "hello Albert" and he said "come on there are two fellows out here wants to see you, but I didn't know who they were, and I goes on with him and goes to the colored waiting room and Mr. Burke stops in the hall where the white folks go to the trains, and he talked with

the head man, and me and these other two fellows were standing in the waiting room and he reads this affidavit over to me, or pretended to read it to me, whatever he read sounded like this first affidavit I made for him, and I signed it, and after I signed he says "this is your affidavit then is it" and I said "yes sir" and I held up my right hand and swore to it and he says all right good bye and they passed by Mr. Burke and I goes back into the cook room and Mr. Burke never said anything more to me at all, and he tells Mr. Boyd to discharge me from my job, and Mr. Boyd said when ~~he~~ <sup>and he</sup> said right now. The reason I quit the Beck & Gregg Hardware Co. Mr. Burke said he would get me a better job. While I was at the hospital Mr. Burke called on me and asked me if I was suffering for anything and I told him no. I don't remember how many ~~times~~ times He come out there to see me, but he come once or twice before I got my senses. Mr. Burns come to see me while I was in the hospital and he read the affidavit to me that I had made to Mr. Burke, and he asked me if it was true and I told him yes, and he just went over a whole lot of questions that Mr. Burke had gotten. That was while I was sick in the hospital. The affidavit those two fellows got me to sign over at the Terminal Station was already typewritten when they brought it over there, I didn't have to say anything. The only paper that was written in my presence was the first one I made at home. All the others that I have signed, which have been at different times, were already written when they were brought to me, and they read something to me, I suppose they read what was in the papers. The first ~~state~~ affidavit I made to the officers and in court is the truth and all the others are false.

R.L. CRAVEN, Sworn for the State. I have known Albert McKnight for over a year. I did not know where he lived or for whom his wife worked, or that he knew anything about anybody related to Leo M.

Frank in any way until one day I happened to hear Albert make a remark to another negro about Frank. That attracted my attention, and I asked what he knew about Frank. He said he ought to know, his wife had been working for Frank about a year and a half. I went on to question him to tell me what he knew about it. Albert said he was at the Selig home when Mr. Frank came in at lunch time, said Frank came in the dining room, went up to the sideboard, looked in the sideboard, stayed in there a few minutes and turned

around and walked out and he told me other things connected with that matter at that time. I asked him to make a statement and he said he was afraid they would lock him up. I told him he needn't be afraid if he told the truth, and if he knew anything and it was the truth, he ought to tell it, and ~~he~~ I cautioned him not to tell anything but the truth, and to be very careful what he said, because it was a very serious matter to accuse a man of a crime of that kind unless it was absolute fact. He also <sup>told</sup> me what his wife, Minola McKnight, told him, which was as follows: That Miss Lucile was telling Mrs. Selig Mr. Frank came home and acted like he was drunk, didn't sleep well and made her get out of the bed and sleep on the rug by the bed, said she wanted to know what was the matter, and he said he had murdered somebody. Afterwards I told both Mr. E. H. Pickett and Mr. Angus Morrison. Albert told me his tale and I wrote it down. I told Mr. Morrison to get in some place where he could hear me talk to Albert about it without Albert knowing Mr. Morrison was listening. I did that, and Albert repeated the same story he had originally told me, and I then also, in addition to letting Albert tell me, read it over to Albert so Mr. Morrison could hear it, and Albert was right there with me, helping to read what I had written out. I read it slowly, so he could understand everything. He said what I had written down was true, and he afterwards swore to the same thing on the stand. Afterwards he swore to the same paper which I read over to him. Said paper is hereto attached, marked Exhibit "A" and made a part hereof, same being identified by writing my name on it. Nothing was ever said at any time by me with reference to any reward, and I have never put in any claim for any reward, and I do not now claim a reward, and I do not expect to make any application for any reward, and do not want any reward. My interest was simply to get at the truth. McKnight's talk with another negro was simply overheard by me and he made every statement that he made to me with reference to what he knew about this freely and voluntarily without any threats of any kind or character whatsoever. I neither threatened him nor paid him nor urged him, but did from from time to time ~~urge~~ caution him to tell nothing but the truth, and endeavored in every way that I could to impress upon him that it was a very serious proposition to tell what he told un-

less it was the truth. I was present at the police headquarters when Minola McKnight made her affidavit sustaining everything that Albert McKnight said to me. Albert McKnight, in the presence of his wife, Minola McKnight, stated that what he had said was the truth, and Minola McKnight at last admitted that it was the truth. George Gordon, who claimed to be the attorney for Minola McKnight, heard every word of the paper which Minola McKnight signed, read over to Minola McKnight, and was present when Minola McKnight signed her name to that paper, which she afterwards repudiated, and said George Gordon questioned Minola McKnight in my presence about some statements contained in that affidavit, and Minola McKnight told him in my hearing that the statements were true. Albert McKnight was also present and heard everything that occurred and was urging Minola McKnight to tell the truth. I heard J. N. Starnes, detective, tell Minola McKnight before she signed her paper, that if she could tell him anything favorable to Frank, that he wanted her to do it, because he would a good deal rather hear something favorable to him than something against him, and he further told Minola McKnight in the presence of her attorney, George Gordon, and in the presence of her husband, Albert McKnight, "Now Minola, if this <sup>is</sup> / not the truth that you are stating, don't you tell it." Albert McKnight is present when I sign this affidavit and I have read over to him the same before I signed it, and Albert McKnight says that wherein reference in this affidavit is made to him and what he said and did, the same is absolutely true.

(Exhibit "A" referred to above is as follows:

*June 7, 1913* - ~~MONDAY~~ - MAY 26 - 1913 - *attested before a notary*  
 1. Albert McKnight was at Mr. Leo M. Frank's home on East Ga. Ave. the Saturday the girl was murdered at the Pencil factory on Forsyth St. My wife Minola is cooking for Mr. Frank and has been for about two years. I was in the kitchen about 12 o'clock this same Saturday that they say the girl was murdered. The door bell rung and my wife Minola went to the door. When she come back in the kitchen I asked her who it was at the door and she said Mr. Frank. She asked him if she must fix his dinner now and he said he did not want any. He did not go upstairs to see his wife as she asked what went with Mr. Frank, wasn't that him that some ~~one~~ <sup>quit</sup> now. Mr. Frank left the house in about five minutes. I saw him go out of the house and catch the Georgia Avenue car. I was at the house from about 9 A.M. Saturday on until about 3 P.M. I went back to Mr. Frank's house the next morning Sunday. When I went in the kitchen my wife said what do you think Mrs. Frank said Mr. Frank said he had killed some body and that he rolled and tumbled all night and said he could see it looking at him and to give him his damn pistol and let him hoot his damn head off; What made me do it, a man like me, I must be crazy. Mrs. Frank asked her father and mother if she thought he had really killed some one. He had been drinking, he made me get out of bed and sleep on the rug by the bed. This was told at the

breakfast table Sunday morning and my wife was listening from the kitchen. Then Mrs. Frank was only paying my wife \$3.50 per week up to the Saturday of the murder and they told her if she would not talk they would pay her \$7.00 per week and she would not have to work as late as she had been doing. And for her to say nothing at court but what they told her to say. They gave her \$5.00 extra the day she went to court. They are paying my wife money all along as she is buying lots of dresses and has money all the time. I can tell Mr. Frank has done something as they act strange. Mrs. Frank tells Magnolia every day not to forget what to say if they come for her to go to court again. Mrs. Frank had a quarrel with Mr. Frank the Saturday morning of the murder she asked Mr. Frank to kiss her good bye and she said he was saving his kisses for ~~me~~ and would not kiss her. Magnolia also heard Mrs. Frank say she would never live with him again for she knew he had killed that girl and that they had the right man and ought to break his neck.

*Signed Albert McKnight, & witnessed by R. L. Craven & Agnes Morrison*  
E. H. PICKETT, Sworn for the State. I have been working for the

Beck & Gregg Hardware Company for twelve years. Albert McKnight was discharged by me for some minor offense from the employ of the Beck & Gregg Hardware Company some time immediately previous to April 26, 1913. I cannot recall the exact date and was not working for me on April 26, 1913, but came back to work for the Beck & Gregg Hardware Company a few days after the murder, but exactly how many I cannot recall. Albert McKnight freely and voluntarily stated to me that he saw Leo M. Frank on April 26, 1913, at the Selig home between 1 and ~~2~~ 2 o'clock; that Frank did not eat ~~any~~ any dinner and that he went over to the sideboard, stood there for a few minutes and left the house in ten minutes after arrival, and made the other statements which he swore to in the trial of the case of the State vs. Leo M. Frank. He not only made these statements to me, one time, but many times. I have read over the affidavits this day signed by Messrs. R. L. Craven and Agnes Morrison, and the same are true, wherein they contain statements which purport to refer to those certain facts coming within my knowledge. I was also present at the police station and heard what occurred there, as testified to by Mr. Craven. After Albert McKnight made the statement to Mr. Craven, and before the same was sworn to, and before anything was made public, I impressed upon Albert McKnight the importance of telling the truth, and I told him that under no circumstances could he expect to get any reward or any money for what he said he was willing to swear. On the other hand I told him that it would probably cause his wife, Minola McKnight, to lose her job and could only result in worry and trouble to him, even if what he said was true, my purpose being to see that there was no improper influences

operating on his mind in telling what he did. Albert McKnight is present when I sign this affidavit and has heard read over to him the same before I signed it, and Albert McKnight says that wherein reference in this affidavit is made to him and what he said and did, the same is absolutely true.

ANGUS MORRISON, Sworn for the State. I have been working for the Beck & Gregg Hardware Company for fourteen years. I heard the affidavit this day signed by R.L. Craven, dictated, and I have read over and seen him sign that affidavit. In so far as the statements in that affidavit refer to me, they are absolutely true. I concealed myself in #3 warehouse of the Beck & Gregg Hardware Company at the request of Mr. Craven and for the purpose of hearing Albert McKnight make a statement with reference to what he knew about Leo M Frank on Saturday, April 26, 1913. I heard Albert McKnight tell Mr. Craven that he saw Leo M. Frank between one and two o'clock on the Saturday that Mary Phagan was killed, that Frank came home, that he saw him through the looking glass, go into the dining room, that Frank did not eat anything, that he stepped over to the sideboard, and that Frank left the house within ten minutes after he got there. I also heard him tell what Albert said his wife Minola told him about what occurred between Mrs. Lucile Frank, Mr. Frank's wife, and Mrs. Selig, Sunday morning at the breakfast table. I then heard Craven read over to Albert McKnight what Craven said he had written out and Albert said it was the truth. I never thought of any reward don't want any reward. I knew the Solicitor General well and I happened to meet him casually one day after I had heard the aforesaid conversation. I told him that I could give him an important bit of information, but that at that particular time I was in a hurry. A week or ten days passed before the matter was again discussed, then Stames and Campbell came up and said that Mr. Dorsey had sent them to see me. I declined to talk to them until I had called Mr. Dorsey over the telephone, and he said it was all right and I then took them down to Mr. Craven and McKnight. McKnight told the detectives exactly the same thing he told Mr. Craven. Both Stames and Campbell told him that if it wasn't the truth to say so. McKnight then signed the paper, which Craven had read over to him. McKnight continued to work at the Beck & Gregg Co until it was reported in the papers he had made an affidavit to Leo Frank.

~~never~~ <sup>never</sup> came back to work after the newspaper published the repudiation of his evidence *in affidavit of April 15, 1914,*

W. W. BOYD, Sworn for the State. I know C.W.Burke. I run the Terminal Restaurant. Albert McKnight was working in the restaurant in the capacity as pot washer. On the 15th day of April, 1914, Burke came to me and told me that McKnight wanted to quit. I did not know McKnight until Burke came and told me that he wanted to quit. Lehon and another man were with Burke at the time. Burke talked with McKnight, I don't know how long, over in the colored cafe. I assumed that McKnight wanted to quit and I let him go.

4TH GROUND

ALICE MARJORIE McCORD, Sworn for the State (before Commissioner)

I have been employed at the Pencil factory for about five years. I have read the fourth ground in the extraordinary motion for new trial, where I am quoted as saying "positively the hair on said lathe was not the hair of Mary Phagan and that the same was entirely too light in color and was not of the same texture as that of Mary Phagan". *I didn't make the statement as quoted* The statement is not true ~~and~~. I did not say positively that it was not her hair. I did not say anything about the texture of Mary Phagan's hair or the difference in the texture in her hair and that found on the lathe. I don't know whether there was any difference. The hair found on the lathe, I said looked to be lighter than Mary Phagan's. *I could not swear to my own hair positively if brought to me sometime after taken from my head.*

7th GROUND.

CHARLES PHILLIPS, JR., Sworn for the State. On or about March 6th, 1914, I called at the tower for an interview with Leo H. Frank, and questioned him about the affidavit of Mrs. Ethel Harris Miller. He discussed the matter at length and in the course of his conversation said that sometime after the trial a friend of his told him that Mrs. Miller, formerly Miss Harris, saw him on the corner of Whitehall and Alabama Streets, on the 26th of April. "The moment it was mentioned to me", said Frank, "the whole occurrence flashed over my mind and I remembered that she bowed to me and that I tipped my hat. Although I had naturally racked my memory until for every happening on that day I had not remembered seeing Mrs. Miller until the matter was mentioned to me after the trial. When the matter was mentioned to me, however, I then remembered how she was dressed

and described her costume to my friend who said: 'That's right, she was wearing clothes of that kind.'

8TH GROUND

MRS. CARRIE SMITH, Sworn for the State. On Monday night, April 20, 1914, at about 10:00 o'clock I was standing at a weiner stand immediately in the rear of the Metropolitan Club building near the corner of South Forsyth and West Mitchell Streets. A man who had introduced himself to me, who had been passing under the name of Maddox and who represented himself to be a book agent and said he was at work getting up a book, came riding by in an automobile which stopped in front of the entrance of the Metropolitan Club. In this automobile there were one or two other men. I cannot remember exactly, but I think there were two other men; at any rate, some of them got out of the automobile and went into the entrance of the Metropolitan Club and this man Maddox came up to where I was. He bought him a weiner. This is the man who said to me that he was an agent and was getting up a book on the Frank case and that his commission on the book would be \$40.00 and he told me if I would sign a certain paper which he brought to me, he would give me one half of his commission. I refused to sign the paper. I formerly worked off and on three years for the National Pencil Company and knew Leo M. Frank well. I was well acquainted with his general character and reputation and I state that his character and reputation are and were prior to the murder of Mary Phagan, bad. I have read over my evidence as given on the trial of Leo M. Frank and say that the same is true. I was present when twelve or fifteen girls were in the office of Solicitor General Hugh M. Dorsey in the Kiser Building, the day we were sworn in the case against Leo M. Frank. This was the first and only time that the Solicitor General ever talked to me. He stated that the law only allowed certain questions to be asked and that there were certain answers, one way or the other, to be given. He put the questions, viz, first "Are you acquainted with the general character and reputation of Leo M. Frank?" If there were any present who did not answer that "yes" it was only one or two, as certainly most every one present <sup>said</sup> they were. He then put the question, "Is that character good or bad?" and the girls answered, including myself, that Frank's character



was bad. Some time after the trial of the case I was requested by Miss Marie Karst to meet her for the purpose of going to a show on the 7th floor of the Grant Building. I went up there and there found this same fellow Maddox who undertood to pay me \$20.00 to sign his affidavit. Miss Marie Karst was not present and I did not get to see her. There was another man with Marie who undertood to talk to me also about the case. After telling the Solicitor General on this April 20, 1914, about how I was gotten up into the Grant Building, I went to the same place in order to see whose office it was. I find that the office they had me go to, in which this man Maddox was seen by me, was the office of Rosser, Branlon, Slaton & Phillips, and the private office into which I went and where I saw this man Maddox was the office which has on the door thereof the name: "Mr. Slaton".

JOHN R. BLACK, Sworn for the State. About 7 o'clock, on April 24, 1914, I was standing at the corner of S. Pryor and Mitchell Sts. with C.A. Isom, when Miss Carrie Smith came out of the Southern Bell Telephone Exchange and came across Pryor St. and Mr. Isom pointed her out to me as being the same lady he had seen on April 20, 1914, at the weiner stand in the rear of the Metropolitan Club on Forsyth St. about 10:00 o'clock P.M., and I saw her stop and talk with N.A. Garner on this April 24, 1914 there on Mitchell St. about 7 o'clock, and Mr. Isom told me that she had on the same dress that she had on the night he saw her at the weiner stand.

MRS. MAGGIE NASH (formerly Griffin), Sworn for the State. I have read over my evidence as given on the stand on the trial of the case of the State vs. Leo M. Frank. The same is true and absolutely correct. I am acquainted with the general character and reputation of Leo M. Frank. It is bad. I am also acquainted with the general character and reputation of Leo M. Frank as to lasciviousness, that is his relations with women. That character is bad. It is true that during working hours, as stated in my evidence given on the stand, I saw Leo M. Frank go into the lady's dressing room with a woman who worked on that floor. I saw him go in there three or four times, sometimes in the evening and sometimes in the morning. He would stay in there as long as from 15 to 30 minutes. So far as I know there was nobody else in that room with Frank and this woman

at the time. I don't know, of course, what Frank and this woman were doing in there, but I do know that they were in that room which was supposed to be used only by the girls as a dress room, and I don't know of any business that could have been carried on in that room by Frank and this woman that was right and proper or connected with the National Pencil Company's business. The key to this room was carried by the woman I saw go into this room with Leo M. Frank. It was her uniform practice, as soon as the girls were dressed for work and went to work, to lock this room and put the key in her pocket. I don't know whether Frank, when he and this woman were in that room together, whether the door was locked or bolted. I never did try to go in there when they were in there, and so far as I know no one else tried to go in on them. I have read, myself grounds 8 and 9 of the extraordinary motion as filed on behalf of Leo M. Frank in the Clerk's office of the Superior Court on the 16th day of April 1913. The original paper is before me at the time I sign this affidavit. The statements contained in ground 8 are absolutely false in every particular. I have not made any affidavit to anyone with reference to my evidence as given on the stand. I have not made any statement to any person contrary to what I swore on the stand the evidence I gave on the stand is the truth in every particular, and I here and now re-affirm and re-assert the evidence as given on the stand and I now say that Leo M. Frank is a man of general bad character and reputation, both generally and in reference to his relations with women. I merely knew Dewey Hewell. I never talked with her in my life except the day she was up in the office of the Solicitor General, Hugh M. Dorsey, and she then and there voluntarily told me what she was going to swear on the stand. She told me she was going to swear exactly what she did swear. I did not approach her or suggest anything at all to her with reference to the evidence that she swore. Dewey Hewell told me she had seen Frank talking to Mary Phagan and had heard Frank call her "Mary". Dewey Hewell also told me that she saw Frank one time on the 4th floor of the National Pencil Company's place of business, with his arms around a woman, off in a dark place near the stairway. She said

Frank and knew that he was the man. I didn't pay much attention to what the girl had to say. I talked to Solicitor General Hugh M. Dorsey in the presence of Mr. Pass Rosser, City detective. The day I went on the stand, Mr. Dorsey came into the room in his office where all of the girls were assembled, including Miss Nellie Wood. Mr. Dorsey stated that the time had now come when the State would introduce evidence with reference to Leo M. Frank's general character. He said he had been over and had talked to <sup>each of</sup> us separately, about the evidence we were going to give, and now he wanted to talk to us ~~xx~~ together, and see if ~~everybody~~ understood exactly what questions would be asked. Mr. Dorsey told us he only wanted the truth and nothing but the truth. He also said that if we were not going to swear as we had told ~~me~~ <sup>him</sup> we would swear that he wanted us to say so then and there in order that he might be saved and time and trouble of putting the witnesses on the stand. He then said, I will now ask the question and I will take each of you one at a time, I want you to pay strict attention and give the answer that is the truth and that you expect to give on the stand. He then said "Are you acquainted with the general character and reputation of Leo M. Frank" and put that question to each one of the girls who were present. Among others was Miss Nellie Wood, and she stated yes, and he then went to <sup>each</sup> one of the others with this question and all of them answered yes. Mr. Dorsey then said "is that character good or bad" and went first for the answer to that question to Miss Wood and she said it was bad. Each and all of the girls present in that room stated that the character of Leo M. Frank was bad. At no time did the Solicitor General ever tell the witnesses to answer off sharp and quick. He did say that the answer was first yes or no, as to whether Leo M. Frank's general character was bad, and he did tell us that it was not what we knew personally about Frank, but what was generally said of him by other people. Some of the girls were frightened at the idea of going into the court room. We were assured by Solicitor Dorsey that there need be no fear, and that it would not probably take very long. Dewey Hewell was not present when all these other girls were being talked to by the Solicitor General at his office in the Kiser Building. The conversation I had with Dewey Hewell occurred after the Solicitor General had a talk with the other girls and left. It is absolutely false in every particular that I coached Dewey Hewell, or that I said "we will go over it again so

won't forget it." I have heard people say that Frank was a man of bad character. This was the general talk among the girls in the factory. I heard the employees in the factory talk frequently about Frank being attentive to the women working the factory, whose reputation were bad, and I have seen myself Frank spend a great deal of his time with this woman whose reputation was bad. I don't know myself that anything wrong ever occurred between them, but I do know that he devoted a great deal of his time talking to her than was necessary and that it was generally understood among the girls in the factory that Frank didn't have the best reputation and that his character was bad. I found in the office of the Solicitor General, Hugh M. Dorsey, on this Monday, April 20, 1914, a young lady. I looked at her and thought I recognized her face, though I could not call her name. I was afterwards informed that this was Miss Ruth Robinson and I knew that I never talked to Miss Ruth Robinson a moment in my life, either at the office of the Solicitor General or anywhere else on earth. And if Dewey Hewell ever talked together, I don't know anything about it and if Ruth Robinson heard what Dewey Hewell said to me I don't know anything about it, but everything that was ever said to me by Dewey Hewell or by Dewey Hewell to me was said in the room where there were other people who could have heard it if they had wished to. Some time recently two men one of whom was W.W. Rogers, and the other being, as I have been informed, the detective W.J. Burns, came to see me with reference to my evidence. Rogers and Burns tried to talk to me about my evidence. I told them emphatically that if they were to come to me in a hundred years from now that I would still be the same, <sup>say the same</sup> because it was the truth. I was very enthusiastic in letting this man Burns, know that I didn't intend to waste any time going over with them evidence which I had given and which was the truth.

This was the only enthusiasm I ever remember to have shown in connection with this case. These men disputed in the little time they talked to me, my word and said they supposed Miss Grace Hicks knew where Mary Phagan worked. Rogers then said "come on lets go we can't get anything from her" and I said "I am tired of your company and wish you would go on for I don't like to be called a

97 story. Among other things, one of these men representing themselves

to be Burns detectives, asked me if there was anybody else besides myself that I knew who had seen Frank go into the dressing room with with women. I stated that my recollection was that Miss Myrtice Cato saw this occur. They then asked me where Miss Cato worked and I told them she worked <sup>at</sup> E.H.Cone's drugstore and I added, "you go there to see her and you will get the same dose you got here."

N. A. GARNER, Sworn for the State. About 7:00 o'clock p.m. on April 24, 1914, I was standing at the corner of Mitchell and South Pryor Sts. when Miss Carrie Smith came across the street from the Southern Bell Telephone Exchange, and she stopped and talked with me a few minutes, this being the same Miss Carrie Smith who testified at the original trial of the above case, but who was at that time or sometime since has married a man named Benton.

C. A. ISOM, Sworn for the State. On Monday, April 20, 1914, about 10 o'clock, P.M. I could not say whether it was twenty or thirty minutes before or after, but about that time. I know that it was previous to 11 o'clock because we had to be at 33 Forsyth Street before 11 o'clock and we got there with the automobile before 11 o'clock. On the date and at the time stated I was sitting in this automobile referred to in front of the Metropolitan Club, on South Forsyth Street. In this automobile was Jimmie Wrenn. Jimmie has been working for Burke, who is employed in the office of L.Z.

Rosser on the Frank case, for the last several months. *Fred Linn who has been running the automobile of C. W. Burke* was also in the automobile. We were going north on South Forsyth

St. and we passed the entrance of the Metropolitan Club which was on the West side of South Forsyth Street at the corner of West Mitchell. We passed beyond a weiner stand next to the Metropolitan Club. As we passed it, I first noticed a girl, my attention being attracted to her by Linn saying to Jimmie Wrenn, "yonder she is Jimmie". She had on a light blue dress, blue hat. After the automobile stopped Linn gave Wrenn a nickle and Wrenn went up to the weiner stand. He was the only man who went up to the weiner stand, and the girl described was the only girl present. I did not see them speak, because Linn suggested that we stand in the stairway as a city policeman was ~~standing~~ coming up just then. We were in the staircase entrance about a minute when Jimmie Wrenn came up eating a weiner. I pointed this girl out to detective Black on Friday, April 24, 1914. She came out of the southern bell telephone exchange, and I saw her talk a few minutes with Mr. N.A. Garner.

RUTH ROBERTSON, Sworn for the State. I worked at the National Pencil Company for three years and was working there during the year 1912, up until the middle of April, 1913, just a few weeks before Mary Phagan was killed. I have known Mary Phagan ever since she has been a very little girl, having known her in Cobb County, where we both lived. *Mary was a beautiful girl.* I knew Leo M. Frank. I have had read to me the evidence that I gave on the trial of the case of the State vs. Leo M. Frank. Every word of it is absolutely true. I did see Frank at Mary's machine, talking to Mary and I heard Frank call her "Mary". I heard it many times. Frank was at Mary's machine a great deal more than there was any need for him to be there. Mary had worked at the Pencil Company a good long time and understood her business, and did not have any need for anybody to be there at her machine showing her anything, because Mary needed ~~anybody~~ anybody to show her how to operate the same or how to do her work. I have seen Frank go to Mary's machine three and four times a day. Sometimes he would remain as long as fifteen or twenty minutes. Frank did not very often pay any attention to the work being done by the other girls on that floor, other than Mary, I have seen Frank, in showing Mary about her work, take hold of her hands and hold them. For a while I did the same work exactly that Mary did. It was simple and easy as it could be. Frank's visits to Mary and talks with her and assistance given her became more frequent and more constant during the time that I noticed them which was from about some time during the summer or fall of 1912, and ~~constant~~ continued until the time I left there. I have forgotten the exact date, but the very last day that I worked at the National Pencil Company's place of business I saw Frank talking to Mary. I heard him call her Mary. I have read ground #9 of the extraordinary motion for new trial of Leo M. Frank, as filed in the clerk's office on the 16th day of April 1914. I have just this minutes been introduced to a lady who goes by the name of Mrs. Maggie Nash and who says that she was Miss Maggie Griffin. Miss Maggie Griffin when she came into the room stated that she did not know my name. She thought after looking at me she had probably seen me but she was not positive about that. She denied in my presence that she had ever coached me or talked to me about the Frank case or my evidence on the

Frank case. I can positively state that I do not remember ever having seen Miss Griffin and I did not know her name, and certain it is that she never talked to me in her life or undertook to coach me about what I should say. It is not true that Maggie Griffin and Dewey Hewell left the large room referred to in Frank's motion two or three times together and returned together, and it is not true that I heard Dewey Hewell say repeatedly that she was afraid she would forget all Maggie had told her to say when she went into the courthouse, and it is not true that I heard Miss Griffin or any body else say that she did not know where Mary Phagan worked and that she did not know her name. It is not true that Dewey Hewell said that she was rehearsed in her part by Maggie Griffin in any room, anywhere at any time. On the other hand I never heard Dewey Hewell say anything about Frank one way or the other at any time. It is true that I was taken by Bass Rosser to the office of Solicitor General Hugh M. Dorsey on the very day that I testified in the case. I never saw or talked to Solicitor General Dorsey about this case until the day I went on the stand. I never talked with Detective Bass Rosser about this matter until the day I went on the stand. I did talk to a great many people immediately after Mary Phagan was murdered about what I knew about Frank's knowing Mary Phagan, and among others I talked to my father, who lives in Cobb County, about it and I told him exactly what I told on the stand. I have never made any affidavit for anybody till this time and I have never stated to anybody the things that are set out in this extraordinary motion in paragraph 9. It is absolutely false that the solicitor told me that I knew something <sup>against</sup> ~~about~~ the character of Leo M. Frank. The solicitor asked me questions about what I knew about Frank's character. I stated to the solicitor general that I was acquainted with the general character and reputation of Leo M. Frank and that that character was bad. The solicitor stated that they had enough evidence with reference to Frank's general bad character and that he would not ask me those questions, but that he would only ask me questions with reference to Frank's knowing and being acquainted with Mary Phagan. If the solicitor or counsel for Frank had seen fit to ask me about Frank's general character on the stand, I would have told them as I state in this affidavit that his character was bad. It is absolutely false that the

solicitor insulted me. The solicitor general never suggested or intimated in any way that I had had sexual intercourse with the defendant in his office or any other place in his factory, or that he knew the location of any room or that he knew of other girls having been in the room with him. The solicitor general merely asked me about what I had heard other people say about Leo M. Frank's general character and I never even told him until today, April 20, 1914 about any conduct on the part of Frank toward me in his office. I have today, however, told the solicitor general about what I considered an improper proposal on the part of Leo M. Frank to me. In other words, the said Leo M. Frank undertook to give me seven dollars when he knew I was not entitled to the said money and he endeavored to arrange a meeting with me sometime the next week. This occurred in his office in the presence of other people and I fully understood what Frank meant. I do not know who the people were in Frank's office at that time, but he had there three girls. I never had a private conversation with the solicitor general in my life. There were always other people present. He never used any insulting language to me and it is absolutely untrue as stated in the motion for a new trial that he said anything that was improper. It is absolutely untrue that I was ever in any room with twelve or fifteen other women, all witnesses in the Frank case, at the same time Mr. Dorsey was there. The only time I was in any room with 12 or 15 witnesses in the Frank case was in the courthouse across the street from Mr. Dorsey's office in the Kiser Building and while Mr. Dorsey was in the trial of the case in the court room. I know Carrie Smith, but I never talked to her in Mr. Dorsey's office or elsewhere. The day I was sworn was the only time I saw Mr. Dorsey. I know Myrtle Cato, but I was not in any room with her. It is absolutely false that the ~~solicitor~~ solicitor general told me to answer questions right off sharp. All the allegations with reference to what Maggie Griffin did or said in the room with twelve of fifteen other girls, as stated in Frank's extraordinary motion for a new trial are absolutely false, so far as they refer to me.

W. T. ROBERTSON, Sworn for the State. I dropped in of my own accord to the office of Hugh M. Dorsey, solicitor General, while he was talking to my daughter, Miss Ruth Robertson about the evidence which she gave in the Frank trial. I was present at the dictation



of her affidavit. Directly after the murder, knowing that my daughter had been working at the pencil company's place of business, I talked to her about the same and she then told me exactly what she said on the stand, namely that Leo M. Frank knew Mary Phagan, that he called her "Mary" and that he spent a good deal <sup>time</sup> more/than was necessary at Mary's machine talking to her. She also told me that this man Leo M. Frank, was a man of general bad character, though she did not tell me of the incident with reference to Frank's trying to give her seven dollars and arrange for her to see him the next week, until she told it today in the office of the solicitor general, as set out in her affidavit which she signed and which I have seen. I did not know that she would be a witness in the case, and I did not know that she had been a witness in the case until I saw it in the paper.

RUTH ROBERTSON, Sworn for the State. I made no affidavit in connection with this case, except the affidavits that I made in Mr. Dorsey's office. I have made no affidavit such as the one which is set out in the extraordinary motion for new trial, in which it is represented that I have made a great many statements. I have had exhibited to me by detective Bass Rosser, what purports to have been an original affidavit and I have carefully examined the signature, and I swear positively that same is not my signature thereto and that same is a forgery.

S. L. ROSSER, Sworn for the State. I am a city detective. At the direction of Solicitor General Dorsey, I procured from Hon. Stiles Hopkins, one of Mr. Frank's attorneys, the original affidavit offered by Mr. Frank upon a hearing of the extraordinary motion for a new trial of Miss Ruth Robertson. I immediately carried same to Miss Robertson and exhibited same to her and she carefully examined the signature to same, and said affidavit is the one referred to in the above affidavit of Miss Robertson, which I have read.

MRS. MAMIE EDMUNDS (formerly Mamie Kitchens) Sworn for the State. Attached, marked Exhibit "A" is the entire evidence, questions and answers, chief examination and cross examination, which I gave on the trial of the case against Leo M. Frank. I have read over this evidence carefully and now state that every word as testified to by me is true and that the attached exhibit A is a full, complete

and true report of the evidence which I gave on that trial. Some time recently, G.W. Burke, representing himself to be a detective representing Leo M. Frank and from the office of L.Z. Rosser, called on me at the pencil company's place of business. Burke paid me for the time I lost in talking to him about this case. He said that "Mr. Rosser said you had an honest looking face, and that he wanted me to come down and have a talk with you, and he told me to ask you questions concerning Frank's character," and he began asking questions about had I ever seen Mr. Frank acting in a familiar way with the girls, or ever seen him lay his hand on any <sup>girl</sup> and had I ever seen any lady in Frank's office. I don't remember just in what way he put that, but of course he meant through harm. I told him no, only a stenographer, and he asked me was she conducting herself in a ladylike way, and I said "Yes, she was writing on her typewriter." I told him I had been downstairs but very few times during work hours and that I had never seen Mr. Frank acting in any way familiar with any of the ladies. He always went through the shop in a businesslike way and I never seen him laugh but very few times. Then he asked me if I thought Mr. Frank meant any harm by coming to the dressing room. I told him I did. He says Why? I said, because when Mr. Frank come to the door and seen that we were partially dressed, I think it would have been as little as he could have done to have said "excuse me ladies" and walked away. He stood there and laughed or grinned. I don't know when a Jew is laughing or grinning, but he stood there and make no effort to move. When he come to the door he said: "What is the matter girls, haven't you got any work?" and he just kept standing there and didn't make no effort to move until Miss Jackson said "We are dressing, blame it" and then he shut the door and disappeared. He said, "well would you have a man hung on that, convicted and hung?" I said, "certainly not, I am not that unreasonable, but I do think he meant harm, and I think a man could act the gentleman as well as anything else, that when a gentleman meets a lady he ought to treat her with respect." He said, "Well I don't look at it like you do. You must consider Mr. Frank is a business man and many of these things he don't pay any attention to, like a man like me would. I would think of those things, but a businessman sometimes forgets these things." I said, "I don't see why he should, when he stood there

long enough to think what to do and what to say? Burke was writing this all down, as we were talking and when we finished, he got the stenographer of the National Pencil Company to write out what was said/ The paper was not written in my presence. I went upstairs while they were preparing it. He then sent for me to come back to sign it. I did not read the paper that I signed. I don't think there was anybody in the room. Afterwards Burke came to see me at my home and asked me to sign another paper. Burke represented that the new paper which I signed was exactly like the other one, except that the new paper had on it "Extraordinary Motion for new trial". I took Burke's word as to what these papers contained. I did not tell Burke anything different to what I have set out above, and if he has anything in either one of these papers other than what I have stated, then said Burke has misled me and misrepresented the facts to me. Frank did not knock at the door, and gave no intimation that he was coming in. It is true that Mr. Rosser when he talked to me about Leo M. Frank, asked me fully with reference to what I knew concerning said Frank's character and his relation with women, and of course that line of questioning was calculated to be embarrassing, but the deportment, bearing and manner of the said Rosser was gentlemanly in every respect, and he only asked such questions as were necessary to get at the truth. I refer to the detective Bass Rosser.

(Exhibit "A" referred to in the above is as follows)

MISS MAMIE KITCHENS, Sworn for the State in Rebuttal, testified as follows: DIRECT EXAMINATION BY THE SOLICITOR GENERAL.

- Q. What is your name? A. Mamie Kitchens.
- Q. Where did you work Miss Mamie? A. National Pencil Company
- Q. How long had you been working there? A. It will be two years this coming October.
- Q. Two years this coming October, what floor do you work on? A. Fourth.
- Q. Where are you working now? A. I am working on the plugging table for Mr. Joe Stelker.
- Q. On what floor? A. Fourth.
- Q. For the National Pencil Company? A. Yes sir.
- Q. How long I mean where were you yesterday, the day before and the day before that? A. I was at the Pencil Factory yesterday and the day before.
- Q. And the day before; now, have you been sworn in this case by the defense, have you been put on that stand? A. No sir.
- Q. By the defense? A. No sir.
- Q. Do you know of any other lady or ladies now work on that floor that have not? A. Yes sir.
- Q. Who? A. Miss Jones and Miss Howell.
- Q. They have not been; are you able to recall any others, that work on that 4th floor that have not been? A. No sir, I don't believe I do.
- Q. Miss Mamie, do you or not remember an incident, first I will ask you if you are acquainted with the general character of Leo M. Frank? A. Well, I knew Mr. Frank when I see him.

Q. I know, but are you acquainted with his general character, what is generally said about what has been said about him? A. I can't express my opinion of his general character?

Q. Just answer yes or no? A. Yes sir.

Q. Well, is that good or bad? A. I can't express my opinion of his character from hearsay.

Q. All right.. that is what we want - from hearsay, up to April 26, 1913, just what people ~~say~~ said before the Phagan girl was killed. That hearsay is all you can give under the Judge's ruling? A. Well I will tell you all I can say--

The Court: Don't tell what you have heard, just tell whether or not you have heard anything.

Q. I won't press the point. I want to ask you if you knew Miss Irene Jackson? A. I certainly do.

Q. Do you know Miss Mayfield? A. I do

Q. Were you or not ever present in the dressing room of the ladies on the fourth floor, when Miss Irene Jackson was present and when Miss Mayfield was present, when any or both of these young ladies were partially undressed, and Leo M. Frank came in that dressing room? A. I was in the dressing room with Miss Jackson when she was undressed.

Q. Was undressed? A. Yes sir.

Q. Did or not Leo M. Frank come in there? A. He came to the door and opened it, and stuck his head inside of the door.

Q. Stuck his head inside of the door, did he or not knock? A. He did not knock.

Q. He did not knock; what, if anything was said -- when he did that, or what did he do when he stuck his head in? A. He just stood there and grinned or laughed, I don't know which.

Q. What was said to him by anybody in that room when he did that? A. Miss Jackson -- he stood there for a few minutes longer, I suppose, then she thought he ought to, and she said, "Well, we are dressing, blame it," and then he shut the door.

CROSS EXAMINATION by Mr. Rosser.

Q. Didn't he ask you if you girls didn't have any work to do? A. Yes sir.

Q. He put his head in, and didn't he say, "Haven't you girls got work to do?" A. He didn't say it that way.

Q. Of course, he didn't say it like I do, but he asked you if you didn't have any work to do? A. Yes sir.

Q. That was the only time you were ever in the room when he tried to come in, that is the fact, isn't it, and he never said anything but that? A. I didn't understand the question.

Q. I didn't think you did; well now, you were in there that day, Miss Kitchens? A. I was in there with Miss Jackson.

Q. Who else was in there? A. Well Miss Ethel Stewart, was in there part of the time.

Q. Just you three? A. Just us three.

Q. What time of day was it? A. Well, I can't state the exact time, it was in the afternoon.

Q. Well, was it during business hours? A. yes sir.

Q. During business hours? A. Yes sir, we were dismissed from work, we didn't have any.

Q. You didn't have any work to do that day? A. No sir.

Q. And you were all just resting in the dressing room. A. Just what?

Q. You were in the dressing room because the work had been dismissed? A. Now sir, we were in there dressing to leave.

Q. Dressing to leave? A. Yes sir.

Q. Who had dismissed you that you wouldn't have any work to do? A. Mr. Joe Stelker.

Q. Mr. Stelker, and that is all he said, he asked you if you girls didn't have any work to do? A. That is all he said.

Q. And you all told him you didn't have any work to do? A. Yes sir.

Q. Aren't you mistaken, Miss Jones has been down here and testified, hasn't she? A. I have only got her work for it, she told me she had not.

Q. As a matter of fact, I am asking you if you know? A. I don't know.

Q. Now did they work there before this murder took place? A. Yes sir Miss Jones worked there before I ever went there.

Q. Did Miss Howell work there? A. No sir, Miss Howell worked there when the murder was committed, I think, in fact I know she told me she did, but I don't know just exactly, I was off from the factory four months, I quit in February, and never went back until -

Q. I am going to ask you a question, Miss Howell has been on the stand, hasn't she? A. She says she has not.

Q. I think she is mistaken. I am going to ask you the question that we have asked all of those ladies that worked on the 4th floor; I

am going to ask you were you ever in Mr. Frank's office, meet him there between the middle of June and the 1st Saturday in January of this year, inclusive, if you ever met him there for any immoral purpose? A. I never met him therefor anything except to get the money out of my time."

11TH GROUND.

MISS MARIE KARST, Sworn for the State. Attached is a copy of the examination in chief and the cross examination which I gave on the trial of the case of the State vs. Leo M. Frank. Every word of this testimony attached and set out in Exhibit "A" is true and correct. While I did not understand the meaning of the word "lasciviousness" I did understand and do understand the meaning of this language, viz: "his attitude toward <sup>girls</sup> ~~men~~ and women" and in answering the question I gave my answer based on the words referred to. I now state again that I am acquainted with Leo M. Frank and was prior to April 26, 1913, and I was acquainted with his general character. The general character of Leo M. Frank was bad. The character of Leo M. Frank in respect to his relations with women was bad. I now understand the meaning of the word "lasciviousness" and Leo M. Frank's character for lasciviousness was bad. I have seen Leo M. Frank in the factory frequently talking to women. He usually talked with women in the factory who bore bad reputations. I never saw Mr. Frank stand and chat with women of good reputation like he did with those whose reputation and character were bad. When I was interviewed by the Solicitor General, he explained to me what the questions laid down by the law with reference to showing a man's bad character were, and he stated to me that I must answer one of the questions which he asked either yes or no. The Solicitor General did not tell me what Frank's general character was, but I told him that his character was bad, just exactly as I swore it in open court when on the stand and examined. I did not, if I ever stated in any affidavit that the Solicitor said he wanted me to answer questions right off sharp and quick, mean that he told me what to answer, and I did not mean that he told me to answer them sharp and quick, except in the sense that the Solicitor told me that the answer to one of the questions had to be yes or no, and nothing else. It is true that the Solicitor General did not use the word "lasciviousness" in talking to me in his office prior to going on the stand, but the Solicitor General did talk to me in plain language about Frank's reputation as to women.

I have given an affidavit to one C.W.Burke, and some man representing himself to be a Burns man. I did not put in that affidavit or authorize these men to put in that affidavit anything contradicting<sup>in</sup>/any way the evidence that I gave on the stand, and if any paper which they have purports to have changed the evidence that I gave on the stand, it is a false paper and not authorized by me. Burke wrote out a paper in my presence himself, and had me sign it. I did not myself read the paper, but some man claiming to be a Notary Public, I have forgotten his name, professed to read the paper to me. I did not, when I signed the paper, hold up my hand and take any oath, but merely signed my name, though the man who said he was a Notary Public, asked me if what he read me was true.

(Exhibit "A" referred to above is as follows:)

"MISS MARIE KARST, Sworn for the State in rebuttal.  
Direct Examination by the Solicitor General.  
Q. Miss Karst, did you ever work at the National Pencil Company?  
A. Yes sir.  
Q. When? A. About two years ago.  
Q. Two years ago; what floor did you work on? A. I worked on the second floor.  
Q. Second floor; are you or not acquainted with Leo M. Frank?  
A. Yes sir, I am.  
Q. You are; are you acquainted with his general character prior to April 26, 1913? A. Yes sir.  
Q. Is that character good or bad? A. Bad.  
Q. Bad; now Miss Karst, I will ask you if you are acquainted with his general character for lasciviousness, that is his attitude towards girls and women? A. Yes sir.  
Q. Is that character good or bad? A. Bad.  
Cross examination by Mr. Rosser.  
Q. Where do you ~~live~~ <sup>work</sup> now? A. I work for Nunnally & McRae.  
Q. Nunnally & McRae; where do you live now? A. I live at 195 Kelly St.  
Q. 195 Kelly? A. Yes sir.  
Q. You worked therein 1910 two months? A. Worked?  
Q. Two years ago you worked at the National Pencil Factory two months. A. No, I worked 18 months there.  
Q. Eighteen months? A. Yes sir."

MARIE KARST, Sworn for the State. On Last Saturday, April 18, I signed an affidavit dictated in the office of the Solicitor General. I did not at that time make any mention of the matters referred to in this affidavit with reference to Miss Carrie Smith. I was only asked about that last night and this morning in the office of the Solicitor General. Soon after the trial of the case, Lemmie Quinn, foreman in the National Pencil Company's place of business phoned me. Lemmie told me to meet him at a certain time and place, viz, at Nunnally's across from the Piedmont Hotel. I met him there, as per his request. He told me that Frank's side had gotten hold of that scrape at the pencil factory about drinking; if I would see Burke and give him a statement that he could keep

~~keep~~ this out of court, but unless I did, they would bring it up in court against me, and I told Lemmie that he was the foreman there and ~~we~~ ought to know whether we got drunk or not, and he said he didn't know anything about it. We went out there and somebody had a half pint he got at the club, and another girl and I slipped around and got it and two more came around and drank some of it. At that time I was only 15 years old and the girls who drank this with me were fifteen or younger. It was stolen as a joke, out of the pocket of one of the boys working there; we drank it publicly and with the knowledge of everybody and as a joke. There was no secret about it. We made no effort to keep it secret. None of the girls were in the least bit under the influence of it. The incident caused a good deal of fun and that was all there was to it. I never heard any remarks made about it until Lemmie Quinn brought it up. Lemmie Quinn, in his talk with me, made it appear that Frank's side were going to make a big scandal out of it and it had the effect of scaring me, because I did not want my name made public in connection with that, unless all the facts were truly shown, and I did not wish the names of the other girls connected with it made public. Lemmie wound up his talk with me by insisting that I should go to see C.W. Burke and at last Lemmie went and phoned somebody and in a few minutes C.W. Burke came to see me. Lemmie set up to drinks and Burke talked to me. Burke wound up the conversation by asking me to come up to the office of Rosser, Brandon, Slaton & Phillips on the 7th floor of the Grant Building. I didn't go. Afterwards Burke met me on the street and again wanted to see about my working for him. The result was that I consented to work for Burke. I was not a stenographer, and could not write on the typewriter. ~~But~~ Burke stated that he only wanted me to work during the afternoons, and he paid me \$2.00 per day for the afternoons. I worked for him about a week. Burke wanted me to go around and see the girls who had sworn for the State on the trial of Frank, about his general bad character, and he wanted me to talk to them and report to him what they said, and see if they would not change their evidence. He then told me that what I swore on the stand didn't amount to anything because I wasn't cross examined, and said it was not recorded. I saw several of the girls among them Helen Ferguson and Carrie Smith, and they told me they would not change their evidence because what they swore was

true. I did not tell them that I was working for Burke, but merely talked it over with them. One day Brke wanted me to see Monteen Stover, and talk to her, and see if I couldn't get her to change her evidence, given on the stand. I did not go to see Monteen Stover. One day Burke told me that he was coming out to my house and going to see my mother and tell her that I was going off with him to work on a street car case, and that he wanted me to go down and live in the house with Monteen Stover and pick her. Burke did come out to my house and saw my mother and tried to get my mother to let me go off to work on the street car case. My mother refused to let me do it, and would not let me go back and work for Burke any more. I met Burke and had my talks with him in the private office of Gov. M John M. Slaton, in the office of Rosser, Brandon, Blaton & Phillips. One day I asked Carrie Smith, a friend of mine, to meet me up at Gov. Slaton's office in the Grant Building. That afternoon, however, I failed to go back to the office because it was raining. Next day when I saw Burke, he said "I had the best luck yesterday you ever saw. I got Carrie Smith where I want her". I asked Burke after I had seen Carrie Smith and she had told me what had happened, if he had a man by the name of Maddox working for him and Burke said no, and that he didn't know anybody by the name of Maddox. Carrie Smith had told me that she saw this man Maddox in the office at the time she saw Burke, and that Maddox had been to her representing himself to be a magazine man, wanting to write an article about the Frank case. Burke told me if Carrie didn't give what evidence he wanted, that he had a friend in an assignation house that knew Carrie, and that Carrie came down to this house lots of times, and she always called him up every time Carrie was down there and notified him and said that if Carrie didn't give the evidence he wanted when this girl called up next time he would go down there. I asked Carrie about this and she said she did not know anybody by the name of Langley, the man Burke said was meeting her at that place, and she did not know anything about any such house. I have known Carrie Smith since she was a baby. We were little tots together. Her reputation is of the very best. She was never guilty of any such thing as Burke suggested and I knew it. I did not tell Burke anything but I just listened to what Burke had to say. During the time I was



at Burke's office, I would frequently not work over fifteen minutes. He paid me however the \$2.00 a day as he promised. Burke told me that he took Mrs. Lillie Pettis out to see her sister Miss Nellie Pettis, who had sworn on the trial of the case of the State vs. Frank, and that Miss Nellie Pettis had admitted to him and her sister-in-law, Mrs. Lillie Pettis, that what she had sworn to on the hearing before the Coroner and on the trial of the case of the State vs. Leo Frank was untrue. I do not know why Burke told me this but he did.

NELLIE PETTIS, Sworn for the State. It is not true that I ever admitted in the presence of my sister-in-law or anyone else that I had sworn to a falsehood on the trial of the State vs. Leo M. Frank. I have read over my evidence as given on the trial of that case. If Mr. Burke ever told anybody that I had admitted to him that what I had said on the stand was false, that is untrue. Attached hereto is a copy of the questions and answers asked me by Solicitor General and Mr. Rosser. It is absolutely true. It is true that I did not understand the meaning of the word "lasciviousness" when the Solicitor General asked me that question, but I did understand what he meant when he asked me if I was acquainted with the general character of Leo M. Frank with women. I answered that it was bad and I now state that it was bad. I further state that Leo M. Frank insulted me in his office and made to me an indecent proposal which I resented, leaving the office immediately and rejoining my sister-in-law, who is present at the dictation of this affidavit. I have not made an affidavit for anybody changing the evidence that I gave at the Coroner's inquest and on the trial of the case, in the Superior Court. After I swore on the trial of the case, somebody came to see me, representing himself to be a newspaper man. I do not remember his name. My father has been missing for a long number of years. This man stated when he first saw me that he was against Frank. He came out again in an automobile and there were two or three men with him. This man said he would find my father and he took out a sheet and put a picture of my father in a chair and professed to take a picture of my father's picture, and said he would send the picture to me, but he never did. He had an affidavit already written out. He told me that if I would sign a certain paper which he had there that he would find my father. I read the paper myself. It had nothing in it but the truth and the same thing that I testified

before the Coroner's inquest and on the trial of the case. I did not put anything in that paper different from what I swore on the trial. This man was tall and there was some defect in his front teeth.

(Exhibit "A" referred to above is as follows)

MISS NELLIE PETTIS, Sworn for the State in rebuttal.

Direct Examination by Solicitor General.

- Q. What is your name? A. Nellie Pettis.
- Q. Miss Nellie, do you know Leo M. Frank? A. Yes sir.
- Q. How long have you known him? A. Well, I don't exactly know him personally, but I know him when I see him, often enough to know him.
- Q. Are you acquainted with his general character prior to April 26th, 1913? A. Yes sir.
- Q. Was it good or bad? A. Bad.
- Q. Bad; are you acquainted with his general character as to lasciviousness, that is with women prior to that time? A. Yes sir.
- Q. Is it good or bad? A. Bad.
- Q. What floor, when did you work over that at the National Pencil Company? A. I didn't work there, my sister-in-law did
- Q. Your sister-in-law did work there, A. Yes sir.
- Q. How often were you up there and around there. A. Well, I went nearly every Saturday, she would stay out and tell them she was sick on Saturday and I would have to go nearly every one.
- Q. You would have to go up? A. Yes sir.
- Q. What for, for what purpose? A. To get her money.
- Q. To get her money? A. Yes sir.
- Q. And who would you see when you went to get her money?

Mr. Rosser; That is immaterial

Mr. Dorsey: It is very material because they have denied that Mr. Frank ever paid these people.

Mr. Rosser: If it is for that, all right.

The witness: I saw Miss Eula May Flowers mostly when I went and one time - - -

- Q. Did you or not ever see Mr. Frank with reference to that pay
- A. One time.
- Q. One time?

CROSS EXAMINATION BY MR. ROSSER.

- Q. Who is your sister? A. Mrs. Lou May Pettis
- Q. Is she working at the factory? A. No she quit just about three weeks ago, before the murder
- Q. Before the murder? A. Yes sir.
- Q. Where do you live? A. Nine Oliver Street.
- Q. Where do you work. A. I don't work anywhere, I stay at home and keep house for my mother.
- Q. How long since you worked anywhere? A. Well, I worked last week with my mother, helping her out.
- Q. Where does your mother work? A. 99 1/2 Whitehall Street.
- Q. What does she do A. Make some paper boxes.
- Q. Makes paper boxes for the Atlanta Box Company? A. Yes sir."

MRS. LILLIE PETTIS, Sworn for the State. My sister-in-law, Miss

Nellie Pettis, has never stated to me at any time or place that when she swore on the Coroner's inquest or on the trial of the case of the State vs. Leo M. Frank was untrue. On the other hand, she has always stated to me that it was true. I remember sending my sister-in-law up to see Leo Frank to get my pay and waiting for her at the place she stated in her affidavit. I never told anybody and I never signed any paper to the effect that I did not believe that Leo M. Frank winked at my sister-in-law. I read in the paper

where they said that I had made the statement, but the same is absolutely false. It was published in the paper that Mr. Bass Rosser the city detective got mad when I refused to swear against Leo M. Frank. I positively deny that I ever made any such statement to anybody. Mr. Rosser merely asked me those questions necessary to get at what I knew about Leo M. Frank. I never said to anybody at any time or place that I did not believe that my sister-in-law Nellie Pettis, knew Leo M. Frank.

1ST GROUND.

MARY RICH, Sworn for the State. Sometime recently, Mrs. Leo M. Frank and Rabbi David Marx and two other men came to see me to get me to make an affidavit. The affidavit was not true and I refused to sign it. Mrs. Leo Frank said to me: "If you will sign this affidavit you will take the rope from my husband's neck". I replied I could not tell a lie and to sign that paper would be telling a lie. One man with Mrs. Frank and Rabbi Marx tore off a little piece of paper which was in his hands. This man was G.W. Burke. He said: "You take this paper". I told him I didn't want this piece of paper and he said: "This will not harm you, but you keep this piece of paper and it is just for you so that you will know it when you see it again". I <sup>took</sup> that little piece of paper and kept it. I showed it in a few minutes afterwards to Mr. F.J. Wellborn, a man that I have known a good long time and who was standing by when these people were talking to me. Afterwards I took the piece of paper and gave it to somebody in the office of Solicitor Hugh M. 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 to me. Burke also told me that if I got in trouble that I might know the cause of it. My daughter, Mary Rich read me out of the newspaper a statement to the effect that I had seen Jim Conley on April 26, 1913 at about 2:15 P.M. come out of the alley immediately in the rear of the National Pencil Company. This was the first intimation that I had of such a claim, and on April 1, 1914, I went voluntarily, without being sent for, to the office of the Solicitor General. He not being there, I <sup>left and</sup> voluntarily returned to his office on April 2, 1914 and I voluntarily make this affidavit. I deny emphatically that I saw Jim Conley come

out of said alley on any date; and neither is it true that Conley after purchasing a dinner from me on the 26th of April, 1913, went back to the aforesaid alley in the direction of the pencil factory. I never told anybody at any time or place that I saw Jim Conley come out of the alley immediately in the rear of the National Pencil Company's factory, or that after purchasing said dinner, said Conley went back to the aforesaid alley in the direction of the pencil factory. I am the only Mary Rich that I ever knew to keep a lunch stand between Forsyth Street and Madison Avenue on Hunter St. My daughter, whose name is also Mary Rich has nothing to do with the stand and did not keep the same for me or have anything to do with it on April 26, 1913.

(Attached to the above affidavit is the business card of C.W. Burke)

F.H. WELLBORN, Sworn for the State. I know Mrs. Leo Frank and Rabbi David Marx when I see them. I also know an old negro woman who sells lunches by the name of Mary Rich, she having sold lunches near my place of business. Sometime recently I saw talking to this negro woman, Mary Rich, Mrs. Leo M. Frank, Rabbi David Marx and two other men. I don't know who the other men were. I moved over as near as I could get to these people and stood as close as I could without attracting their attention. I did not hear anything that anybody said, except what Mrs. Frank said to Mary Rich and what one of the two unknown men said at the conclusion of the discussion. A great deal was said because they talked to her for about an hour. I remained there listening about thirty minutes. I heard Mrs. Leo M. Frank, among other things say, to ~~Marx~~ Mary Rich, "If you will sign this affidavit, you will take the rope from around my husband's neck." Mary Rich said in reply to that "I could not tell a lie". Mary Rich finally refused to sign the paper, and as they went to leave one of the unknown men said to her tearing off a piece of the paper which was in his hand, "Here keep this paper, and when you get in trouble you may know the cause of it. The piece of paper is hereto attached. I examined this paper carefully and it resembles in every respect the paper torn off by the unknown man on the occasion above set out and left with Mary Rich, and is the same piece of paper there torn off. Mary replied that she

couldn't see how she could get into trouble by telling the truth. This is only a portion of the conversation I heard. This conversation occurred Monday, April 13, 1914.

(Attached is a piece of paper )

JIM CONLEY, Sworn for the State. It is not true that on April 26, 1913, at about 2:15 o'clock P.M. or at any other time on said day, ~~and~~ I come out of the alley immediately in the rear of the National pencil Company factory, nor is it true that I bought a twenty cent dinner on that day or anything else from Mary Rich. Nor is it true that I returned carrying said dinner in my hand and went back up said alley in the direction of the pencil factory. I was formerly employed at the National Pencil Company and I knew Mr. Becker and recall that when he left, I assisted in the removal of his desk and papers from Mr. Becker's office on the fourth floor to the office of Mr. Frank on the second floor. Among the papers of Mr. Becker that were moved were the order blanks upon which the notes written by me found by the body of Mary Phagan were found. These were moved with the desk to Mr. Frank's office. It is also true that I was a fireman in the basement of the factory for about two months; <sup>the elevator</sup> ~~that I run/for~~ about a year and a half going to the basement and ~~that~~ the rest of the time while I was working at the factory I was familiar with the conditions existing in the basement. It is not true that the basement was allowed to have papers accumulated in it or stored in it. The basement was inspected by firemen of the city of Atlanta, and we were required to keep the basement cleaned of trash and papers. We were compelled to clean up all papers and trash and would burn and put it in front of the furnace and burn it up. The blank upon which I wrote was in Mr. Frank's office on the second floor of the pencil factory." There were no order blanks or books allowed to stay in the factory basement and I saw none and did not write on any found in the basement on April 26, 1913. I do not know by name Miss Helen Ferguson. I was not on the second floor of the National Pencil Company factory on the Saturday preceding April 26, 1913 and make any statement to her, "Yes, take all the boxes you want, Miss Helen". I did not keep getting closer to her, nor did I make any move as though I intended to grab her, nor did she become frightened and run away. My work is on

the fourth floor and I had nothing to do with the boxes on the second floor. On Saturday mornings the factory would close at about 11:45 A.M. and I was always busy at my work cleaning up the fourth floor so as to be able to get off promptly at closing hour. This box room is immediately across a small aisle from a large working room where about fifteen ladies are at work and it is also within 50 or 60 feet of the office, where the entire office force are and at the other end of the hall within about 50 or 60 feet is the metal department where a number of people work and if I had made such an attack against Miss Ferguson, I would have done it with full knowledge that one scream from her would summon a large number of people. I never heard of any such charge against me before and Miss Ferguson never complained about what she says.

14TH GROUND.

C. B. DALTON, Sworn for the State I have just read over the report of my testimony as contained in the brief of evidence approved by Judge Roan in that trial and every word of my evidence is the absolute truth. That evidence is as follows:

"I know Leo M. Frank, Daisy Hopkins and Jim Conley. I have visited the National Pencil Company, three four, or five times, I have been in the office of Leo M. Frank two or three times. I have been down in the basement. I don't know whether Mr. Frank knew I was in the basement or not, but he knew I was there. I saw Conley there and the night watchman, and he was not Conley. There would be some ladies in Mr. Frank's office. Sometimes there would be two, and sometimes one. Maybe they didn't work in the mornings and they would be there in the evenings.

GROSS EXAMINATION. I don't recollect the first time I was in Mr. Frank's office. It was last fall. I have been down there one time this year but Mr. Frank wasn't there. It was Saturday evening. I went in there with Miss Daisy Hopkins. They were ladies. Sometimes there would be two and sometimes more. I don't know whether it was the stenographer or not. I don't recollect the next time I saw him in his office. I never saw any gentleman but Mr. Frank in there. Every time I was in Mr. Frank's office was before Christmas. Miss Daisy Hopkins introduced me to him. I saw Conley there one time this year and several times on Saturday evenings. Mr. Frank wasn't there the last time. Conley was sitting there at the front door. When I went down the ladder Miss Daisy went with me. We went back by the trash pile in the basement. I saw an old cot and a stretcher. I have been in Atlanta for ten years. I have never been away over a week. I saw Mr. Frank about two o'clock in the afternoon. There was no curtains drawn in the office. It was very light in there. I went in the first office, near the stairway. The night watchman I spoke of was a negro. I saw him about the first of January. I saw a negro night watchman there between September and December. I lived in Walton County for twenty years. I came right here from Walton County. I was absent from Walton County once for two or three years, and lived in Lawrenceville. I have walked home from the factory with Miss Laura Atkins and Miss Smith.

RE-DIRECT EXAMINATION. I gave Jim Conley a half dozen or more quarters. I saw Mr. Frank in his office in the day time. Mr. Frank had coca-cola, lemon and lime and beer in the office. I never saw the ladies in his office doing any writing.

RECALLED FOR GROSS EXAMINATION. Andrew Dalton is my brother-in-law. John Dalton is my first cousin. I am the Dalton that went to the

chain gang for stealing in Walton County in 1894. We all pleaded guilty. The others paid out. I don't know how long I served. I stole a shop hammer. That was case No.1. There were three cases and the sentences were concurrent. One of the other Daltons stole a plow and I don't know what the other one stole. I was with them. In 1899 at the February Term of Walton Superior Court I was indicted for helping steal a bale of cotton. In Gwinnett County I was prosecuted for stealing corn, but I came clear.

RE-DIRECT EXAMINATION. It has been 18 or 20 years since I have been in trouble. I was drunk with the two Dalton boys when we got into that hammer and plow stock scrape.

CROSS EXAMINATION. I don't know whether I was indicted in 1906 in Walton County for selling liquor. I know Dan Hillman and I know Bob Harris, I don't know whether I was indicted for selling liquor to them or not.

RE-DIRECT EXAMINATION. Miss Daisy Hopkins knows Mr. Frank and I have seen her talking to him and she told me about it."

I have never signed any paper or statement which I knew to be a re-

traction of the above evidence or of any part of that evidence, *and it is true as given.*

About two months ago, Mr. C.W. Burke of Atlanta came to see me in Fort Myers, Fla., where I was then working. I have been working for Mr. Heifner, a contractor, for about three years and Mr. Heifner had sent me to Fort Myers, Fla. to superintend his boat business at that place. Mr. Burke told me he wanted to talk with me about the Frank case. He came to the River Side Hotel, where I was staying, but he missed seeing me, because I didn't want to see him and I stayed out late. He sent a messenger to me with a message as if it was a night telegram. I thought it best to keep Burke from worrying me so I went to see him at the Bradford Hotel. He asked me about how Mr. Dorsey and Starnes and Campbell questioned me before the trial and whether they didn't try to make me say things that were not so, and I told him "no" and that they had acted in a perfectly proper way in their questions to me. Burke then asked me to sign a paper to go before the pardon board then in session in Atlanta. He wanted me to sign the paper to help get the pardon board to keep Frank from hanging. He offered to give me \$100. if I would sign the paper. This paper was in handwriting. I didn't sign the paper. The next day he came out to Frogtown, near Fort Myers, where I was working. He had a typewritten paper which he wanted me to sign, because he was leaving for Atlanta right away. He said it was the same as the paper he had showed me last night before. He read a part of it to me. The part he read didn't say anything about taking back evidence or about my having said anything that wasn't true at the trial. I finally signed the paper which he had. He told me to come up to his hotel that night and he would give me the money. I went to the hotel that night, but he had gone. I asked if he had left

anything for me and was told he had not. Burke had told me also that he would give me a pass from Jacksonville to Atlanta to use anytime soon. Burke did not leave either the \$100. or the pass. The only other time I have been offered any money in connection with the Frank case was in Dublin, Ga. just a short time after the trial last year. I went to Dublin with Mr. Heifner to do some work on a bank which he was working on there. When I got off the train at Dublin there were two Jews standing there talking. I heard one of them say to the other: "There's that fellow Dalton that swore in the Frank case". They came over and talked to me. They said they knew me by my picture. That night I met both of them on the corner and asked me why I didn't leave the state and get out of the Frank case because I could make some money out of it. I told them I had not done anything to leave for. One of them said "Dalton you can make \$400. if you will leave the State." I still told them I didn't want to go away. I saw them two or three times after that. The same big fat one said "We will give you \$400 if you will leave the State for we are going to get Frank a new trial." I refused each time. I told Mr. Heifner what they had said and he said to me: "You haven't done anything to leave for. You have told just the truth and you are not going to leave." I never found out who they were. I received a letter from Mr. Dorsey saying that he wanted me to come to Atlanta and that he would pay my railroad fare if I would come on the next train. In addition to my testimony in the court at the Frank trial, I have on my several visits to Leo M. Frank's office seen Frank with girls in his office, and I have seen Frank play with them, hug them and kiss and pinch them. I do not know who any of the girls were. I saw Frank on two or three occasions take a girl and go to the back of the <sup>room</sup> where the dressing room is. On one occasion Frank had six bottles of beer and I carried three more bottles to his office. I was with Daisy Hopkins when she telephoned first to Frank's office and told him that she wanted to borrow some money. She said "I have got a friend with me now" and she was told to come right over and bring her friend with her. We went right away. There I saw her when she borrowed the \$3.00 from Frank. In regard to the cot in the basement, I know that Leo M. Frank knew about it. He was talking to the girls and



I said something about having to pay room rent and he spoke up and said it wasn't necessary to pay room rent because they had a cot in the basement. I used this cot with Daisy Hopkins half a dozen times.

J. N. STANNES, Sworn for the State. I have read the affidavit alleged to have been made by C.B.Dalton and introduced in the extraordinary motion for new trial in the case of the State vs. Frank. Insofar as the affidavit refers to me, in stating that I had coerced or otherwise unduly influenced said Dalton in the giving of his evidence, it is absolutely false. I have never in any way sought to threaten or influence him in any way, and to the best of my knowledge and belief the evidence of said Dalton at the trial of Leo M. Frank was given freely and voluntarily and without coercion and influence of anyone else at all.

PAT CAMPBELL, Sworn for the State. I have read the affidavit alleged to have been made by C.B.Dalton and introduced in the extraordinary motion for new trial. Insofar as that affidavit refers to me, in stating that I coerced or otherwise unduly influenced said Dalton in the giving of his evidence at the trial, it is absolutely false. I have never in any way sought to threaten or influence him in any way, and to the best of my knowledge and belief the evidence of said Dalton at the trial of Leo M. Frank was given freely and voluntarily and without coercion or influence of anyone else at all.

14<sup>th</sup> GROUND

PHILIP CHAMBERS, Sworn for the State. I worked at the National Pencil Company on Forsyth Street under Leo M. Frank as superintendent, as office boy from the 20th of December, 1912, until about a week before J.M.Gantt left the National Pencil Company's place of business.

I think it was about three weeks before Mary Phagan was killed when Mr.Gantt quit. I knew H.F.Becker. He was the master mechanic of the National Pencil Company. He had his office on the top floor. Before I went into the office as office boy in 1912, I worked up on the top floor in the paint department for about a year. Mr. Becker quit the pencil company pretty soon after I went down to the office. I was present in the office when Becker's desk was brought down from the fourth floor and placed in Frank's office.

Frank used the same for his desk because Becker's desk was larger than the desk that Frank was using. Frank moved the desk which he was using over in the other corner, so that Darley could use that. All of the books and papers and everything that was in the Becker desk was taken out of the same in the office next to Frank's office where the supplies were kept. Among other papers taken off of Becker's desk when that desk was placed in Frank's office were old order blank books. There were approximately a dozen. Attached hereto and marked Exhibit "A" and made a part hereof is a book which was exactly like these books taken out of Becker's desk, except that nearly all of the books like this were already used, that is, Becker had written on most of them and kept the carbon copies. These used carbon copy order blank books remained there in that office up until the time I left. In the course of my duties I had frequently to go down into the basement in the factory and I know that no trash, books or papers were ever left down there in that basement floor any length of time, but same were always burned up. The practice was to take the trash down in little push carts, put it right in front of the furnace and burn it up. I never did see any of these order blank books among it. After Becker left, all of these order blanks were handled by Frank and when he would use up a book he would always turn it over to me to file, and I always filed these books in the outer office in the pigeon holes close to the place where all of Becker's old order books were kept. The order books which I helped to take off of Becker's desk were loose. They were not ~~firm~~ tied up.

(Accompanying this affidavit is a new, unused book of order blanks, with white and yellow sheets alternating. The date line on said order blanks is as follows: "Atlanta, Ga. \_\_\_\_\_ 191 ")

J. M. GANTT, Sworn for the State. I was present at the dictation of the affidavit this day made by Philip Chambers, and where it refers to me is true. I know Leo M. Frank and know that he personally knew Mary Phagan and know that he called her by the name "Mary" I was present in the office when the desk used by Becker on the fourth floor was moved down into Frank's office. Frank set aside his desk and put it over in a corner of his office and used as his own desk, from the time Becker left until the time I left, the desk which Becker had previously been using. I helped Chambers take

the papers in Becker's desk out and Chambers and myself placed all these papers in the office next to Frank's private office. These papers were within ten feet of Frank's desk. Among other papers were quite a number of order blank books, similar to the one which is attached as Exhibit "A" to Chambers' affidavit. These carbon copy order blank books remained in the place where they were placed by Chambers and myself from the time Becker left until the time I left there. All the time I was there, the only man who ever had charge of any order blank books was Frank. The books used by Leo

M. Frank were always filed in the office adjoining the office occupied by Frank. I was frequently down in the basement. At no time did I ever see any scratch pads or blank order books in the basement anywhere. The uniform custom and practice was to take daily the trash on the elevator down into the basement and have it immediately burned in the furnace. I never did see any scratch pads or order blank books sent down there. During Christmas week, an inventory was taken, and a general cleaning up was had. Frank personally requested me at that time to go down into the basement and see that the trash swept up and carried down into the basement was burned up. I did that. In the trash taken down into the basement at this time there was not one single order blank book, as far as I knew or could see. All of the trash moved down into the basement at the general cleaning up, Christmas, 1912, was burned up as per

Frank's instructions. *Certain it is that all the Becker books taken out of Becker's desk & put in the office adjoining Frank's office were there when*

*General*

R. A. DEVORE, sworn for the State. I am a photographer. I have charge of the finishing department of the A. K. Hawkes Company. Some time immediately after the murder of Mary Phagan, Hugh M. Dorsey, the Solicitor General brought the original notes to me for the purpose of having same photographed. Attached hereto and marked Exhibit "A" is one of the first photographs which I made of the order blank note. At Mr. Dorsey's request, I sent to the Eastman Kodak Company, Rochester, N. Y. and secured what is known as a color plate, the purpose being to develop, as far as possible, the number. Attached hereto and marked Exhibit "B" is the photograph produced by me by the use of said color plate. Furthermore by the use of this color plate and lenses and powerful magnifying glasses, which

*when I quit April 5, 1913*

I had examined as carefully as I could, the original note and the

photographs made thereof. From an examination of said note and the photographs made by the use of the color plate, in my opinion ~~the~~ the number of the order blank note is "1818" Mr. H. A. Alexander, an attorney at law, in this city, showed to me the photograph of this note attached to a pamphlet which he has been distributing with reference to the Frank case, with reference to the notes found by the body of Mary Phagan. It is evident that this is a photograph of the original note, or of a photograph of the one which has been touched up in certain places. Mr. Alexander himself admitted to me that he had the engraving company to touch up the same in certain places. He said that this touching up was done for the purpose of eliminating the dirty background, and to bring out the writing more clearly.

(Exhibit "A" attached to this affidavit is a photographic copy of one of the original notes found by the body of Mary Phagan, which was written on an order blank. The order number is very indistinct on this. Exhibit "B" is a photographic copy of the same note with the order number brought out more clearly, Exhibit B being an exact copy of the State's exhibit Z, appearing on page 252 of the Brief of the Evidence, filed in the Supreme Court.)

HENRY A. ALEXANDER, Sworn for the State. The engravers plates used in the printing of the pictures of the two murder notes in my pamphlets distributed to the public in February and March, 1914, were the identical plates without alteration, change or retouching of any kind whatsoever that were used in the printing of the same notes in the printed copy of the brief of evidence of said case filed in the Supreme Court of Georgia and accepted as correct pictures of said notes both by the defense ~~and~~ and by the State. The ~~picture~~ picture of the yellow note on which the order number in question was shown appeared in said brief of evidence on page 253 of said printed brief. Said brief of Evidence was printed by the Foote & Davies Company, of Atlanta, Ga. prior to December 15, 1913, when it was delivered, and the plate of said yellow murder note was made by the Southern Engraving Company some time prior to that date. I had nothing whatever to do with the making of the photographs of the plate of said yellow murder note. The pamphlet referred to was written and distributed in the months of February and March, 1914, a month and a half after said plates had been made. It was also printed by the Foote & Davies Company, and I simply got permission of the attorneys for the defense to use

said plate which had remained in the possession of Foote & Davies and was still in their possession. I neither admitted or stated to R.A.DeVore or to any other person that I had had the engraving company to touch up said plate in certain places, nor did I state to said DeVore or anyone else that this touching up was done to eliminate the dirty background or to bring out the writing more clearly or for any other purpose. At the time said pamphlet was printed, the question of Becker's signature and the invoice number had not been suggested.

H. W. OATFIS, Sworn for the State. I am connected with the fire department of the city of Atlanta, in the capacity of fire inspector and have been serving in this capacity as fire inspector since February 1, 1910. I am familiar with the building on South Forsyth Street, partially occupied by the National Pencil Company. It was my duty to make frequent inspections of this building from time to time to see that those in charge complied with the ordinances and regulations as to fire risks and hazards. I frequently did make, from time to time such inspections, including the basement of this building, owing to the fact that this building was an old one, and in this basement was a furnace. I am personally acquainted with Leo M. Frank and also with Mr. Darley, both of whom were connected with the National Pencil Company. From time to time I called their attention to the fact that they were failing to comply with the city ordinances and especially as to accumulation of trash and paper and other combustible material and I have personally heard both Mr. Frank and Mr. Darley give specific directions to their negro employees to clean up this trash and to keep it cleaned up. I have compelled the officials, including Mr. Frank and Mr. Darley, through their employees to clean up the basement of the factory in compliance with the ordinance of the City of Atlanta, Code section 1099. <sup>of</sup> That pursuant to the terms of the said ordinance, I did inspect from time to time the basement of the National Pencil Factory during the period prior to April 26, 1913, and from the date indicated, that is from and about February 1, 1910, regularly and continuously up to April 26, 1913 and since that date. Mr. Frank took up with me the matter of being allowed to place empty boxes for shipping, temporarily in the basement, which was allowed, provided

these boxes would only remain a short time to go out as they were needed in shipping and to be so arranged and stacked regularly as not to prevent the cleaning of the basement of paper, trash or other combustible material. I can be positive that the basement of the National Pencil Factory was cleaned of trash, paper and other combustible material between January 1, 1913, and April 26, 1913, and I can also be positive that the basement of the factory was not allowed to have stored therein papers. I have examined the order book marked Exhibit A of the National Pencil Factory attached to the affidavit of Mr. Phillip Chambers dated April 20, 1914, and I can say to the best of my knowledge and belief that I never saw any such books or similar paper material in the basement of the National Pencil Factory, and if I had so seen same, or any other paper located therein, I would have ordered it removed at once.

~~The following is a certified copy of City Ordinance~~  
(The following is a certified copy of City Ordinance, Section 1099, ~~was~~ referred to in the above affidavit.)

"CODE OF THE CITY OF ATLANTA,  
Page 311, Section 1099.

Sec. 1099. Combustible matter in Building, Cellars, or Yards to be removed. . . Inspection by Chief of Fire Department -- No person shall be permitted to place and let remain in any box, barrell or otherwise, in any building, cellar, street, alley-way, or yard within the fire limits, longer than six hours, any loose straw, hay, paper or other combustible matter; and all owners or occupants of buildings or cellars within said limits are hereby required to permit the chief of the fire department, or any member thereof designated by him, or any officer or member of the police force, to inspect their buildings, cellars and premisses, to see if this ordinance is being complied with. And it is hereby made the duty of the Chief of the Fire Department, and of the police force to make such inspection.  
STATE OF GEORGIA,  
COUNTY OF FULTON,  
CITY OF ATLANTA.

I, Walter Taylor, Clerk of Council of the City of Atlanta, a municipal corporation, in said County, under the laws of said State, do hereby certify that I am the Clerk of Council of the City of Atlanta as aforesaid, and that as such I have in my custody and care the laws, ordinances and records of legislation of the said City of Atlanta, including the Code of the City of Atlanta, in which are codified the ordinances of the City of Atlanta, in force; that the above and foregoing is a true and correct copy of section 1099 of the Code of Atlanta of 1910, as same appears of record and file in my office as such Clerk of Council. In witness whereof I have hereunto set my official hand and seal this the twenty third day of April, 1914. Walter Taylor, Clerk of Council of the City of Atlanta." (Seal)

15TH GROUND

IVY JONES, Sworn for the State. Since I was sworn on the trial of the case of the State vs. Leo M. Frank, I have not made an affidavit or signed a paper for anybody. I haven't made a statement to anybody changing in the least bit, the evidence that I gave on the trial.

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The evidence I gave on the trial is absolutely true. I have not signed any paper or authorized anyone for me.

swore on the trial of the case of the State vs. Leo M. Frank as

follows: "That on Saturday, April 26, 1913, I saw Jim Conley at the corner of Forsyth and Hunter Sts. I met him there at a saloon. I was in there when Conley came in, and we went on up Forsyth St. to Mitchell, and out Mitchell St. to Mangum and from Mangum to W. Hunter and on down to Davis St. and we met some other fellows and we stepped and talked with them a few minutes, and I goes on home. I was going to the ball game. I met Jim Conley first at the corner of Forsyth and Hunter St. between 1 and 2 o'clock. I can't be more accurate than that because I didn't pay any more attention I know I got off after one o'clock from my work. Jim Conley wasn't drunk when I saw him. The place where I saw Jim Conley is on the corner right in the next block to the National Pencil Company's place of business, the opposite corner from the block where the pencil company's plant is located. The way Jim Conley and I went was towards Jim Conley's house. I don't exactly the time I left Jim at the corner of Hunter and Davis Sts, but it was somewhere I guess after 2 o'clock. I gave Jim a glass of beer, each one of us had some."

I have been knowing Jim Conley about three or four years. I have been shown on this Tuesday, April 28, 1914, in the office of Hugh M. Dorsey, Solicitor General, an affidavit which purports to have been ~~sworn~~<sup>sworn</sup> to by me on the 6th day of February, 1914, before C.W. Burke, a Notary Public, for Fulton County, Georgia. The signature as attached to this paper is a forgery. Some parts of said affidavit however, are true, and some parts are false. The affidavit is false when it says that I was not joined on the way by anyone and is false when it says that I did not meet anyone I knew until I reached Davis St. The truth as to what really occurred was told by me on the stand. I do not know C.W. Burke. Sometime about the first of the year, two men come to see me up there at my work, and they asked me did I see a fellow get hurt in the Central Railroad. They told me it was a fellow by the name of George Brown and I told them I did not know anything about George Brown or any other fellow getting hurt at the Central Railroad. They said for me to sign a paper they had which would release me from coming to court. The paper which I signed had big letters at the top, like a grocery store heading and it wasn't a long piece of paper like the affidavit which I have just seen and read which C.W. Burke claims I signed. I signed that paper with a pencil. I have just gone downstairs to the sidewalk and standing in front of the Al Bronx Saloon I saw the little fellow who got me to sign this paper. Mr. Starnes accompanied me down there and he told me the man I saw down there was Nimmie Wrenn.

EUGENE FERRY ("BUDDY BROOKS") Sworn for the State. I have known Ivy Jones for about six years. I have also known Jim Conley ever since he was a baby. On April 26, 1913, I left my place of business

between ~~12~~ 12:30 and 1 o'clock. After going home I stated back to town to go to the ball game. I met Ivy Jones and Jim Conley at the corner of Hunter and Haynes Streets at 2:15 p.m. and had a conversation with them. I told them I was going to the ball game. Ivy Jones said "Well wait for me over on Peters St. and I'll go with you. Then I left them. I didn't go by way of Peters Street then but went over to the house of Major Caldwell on Nelson Street and went with him to the ball game. I didn't see Ivy Jones or Jim Conley any more that day. About three weeks ago a rather small, young, clean-shaven fellow came to see me twice,. The first time he came he said he wanted to ask me about a railroad accident. I said I didn't know anything about any railroad accident. He said he wanted to find out who I met that day, on April 26, 1913. I told him I met Ivy Jones and Jim Conley. I told him how I had met Jones and Conley on ~~Peters~~ <sup>Hunter</sup> Street that day and that was the only time I saw them. A little over a week after that, the same young fellow who had talked to me before came again. He handed me a paper. The paper said that me and Caldwell went out to the baseball game on April 26, 1913. It said that <sup>I met</sup> Ivy Jones on the corner of Hunter and Haynes Streets along about 3 o'clock, and I said "No, it was 2:15. o'clock. You ain't got Jim Conley's name there and I told you I met both of them, Conley and Jones." He took a pencil and put Jim Conley's name on the paper and ~~expansions~~ he put 2:15 instead of 3 o'clock. He handed me the paper and a pencil and said to sign it. He said he was going to have me subpoenaed to the Superior Court if I didn't sign it and I said I didn't care for I didn't want to sign it. I never signed any paper for him at all.

JAMES H. WAITS, Sworn for the State. On or about May 31, 1913, I was with my wife, Mrs. Hattie Waits, on a train returning from Savannah where we had been attending the Odd Fellows Convention. Somewhere near Jessup, Ga. I purchased a newspaper carrying the confession of James Conley., in which he stated that he met Leo M. Frank at the corner of S. Forsyth and Nelson Sts. on April 26, 1913. My wife immediately stated that she must have been Frank and Conley at this place. In some way the detectives learned what Mrs. Waits knew and called to see us.

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MRS. HATTIE WAITS, Sworn for the State. My husband and I were living at No. 28 ~~Market~~ <sup>Marham</sup> Street in the city of Atlanta, on April 26,



*I saw that it was a Jew and  
said to myself "that accounts for  
them being so clear to the negro, he  
is a Jew"*

1913. On Saturday morning, April 26, 1913, I wanted to go to town to get my niece, who lives with me, some slippers. I always go to town across the Nelson St. bridge. As I reached Nelson and Forsyth Sts. I saw a negro and a white man standing on this corner talking together. The negro had his face turned towards <sup>me</sup>. The white man at first had his back to me, and I thought at first the white man was a gentleman I knew. As I got even with them the white man stepped back and I turned and looked at him and saw that he was not ~~the gentleman that I thought he was~~ <sup>the</sup> gentleman that I thought he was. I recognized this white man as one whom I had seen several times prior to this date. I have seen him several times on Forsyth St. I have since seen the negro and this negro was Jim Conley. I have seen a number of pictures of Leo M. Frank and Leo M. Frank is the same person I saw talking to Jim Conley. To the best of my knowledge it was between 10 and 11 o'clock. I saw Mr. Frank at the trial and recognized him as the man I saw standing on the corner talking to the negro. I was unwilling to make this affidavit until I first went in person and looked at Conley himself. We went to the county jail today and saw Conley and I found that he was the negro that I saw talking to Mr. Frank, between 10 and 11 o'clock on April 26, 1913 on the Northwest corner of South Forsyth St.

S.L. MORRIS, Sworn for the State. I am personally acquainted with Mrs. J.M. Waits. I have known her well for a short period. I am acquainted with her general character and reputation. It is good.

O. H. PUCKETT, Sworn for the State. I am personally acquainted with Mrs. J.M. Waits. I have known her for ten years. I am acquainted with <sup>her</sup> general character and reputation. It is good. I would believe her on oath.

16TH GROUND.

HELEN FERGUSON, Sworn for the State. Since the Frank trial last summer, in which I gave testimony, 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 sometime soon. I refused and turned and walked away.

The second attempt occurred in December, during the two weeks just before Christmas. When I left my work at the Clark Woodenware 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 told him I didn't remember him and he said: "This is Mr. Howard, don't you remember when you worked at Blocks? I worked there too and wanted to meet you then but I didn't have a chance." That was the way I met him. He took me to the show a night or two later and was mighty nice to me. I hadn't known him more than two days, before he began to make love to me. A ~~neighbor~~ few days after I met him we were walking uptown together, when we met a big heavy fellow, 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 talked for several minutes. He said some awful things about the police. He said something about wanting me to make a new statement in the Frank case, and I said "No sir" 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 to the Clark Woodenware Company at 9 o'clock when I got off to take me to town to see a show, Jimmy was making real love to me that night, said he wanted me to marry him, but he kept on talking about wanting me to sign an affidavit about the Frank case first. He took me up to the Grant Building and there in an office his "father" was waiting for us. They asked me again to ~~change my statement in the Frank case~~ *and say it was some other time Frank had refused to sign* But I said that I had told the truth and wasn't going to change it, and 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 it, since I had only told the truth. 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, and I signed it in order to satisfy them. 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. It was several weeks later before I found out that his "father" was the detective C.W. Burke. A newspaper reporter came out to see me about my affidavit

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and described Burke to me and the description made it plain that he was none other than "father". *The office I was in was that of Porter in Ressler's office.*  
H. I. QUINN, Sworn for the State. I am personally acquainted with Miss Helen Ferguson. I have known her for the last twelve months. I am acquainted with her general character and reputation. That character and reputation is good and I would believe her in a court of justice or anywhere else.

17TH GROUND.

J. E. DUFFY, Sworn for the State. I am the J.E.Duffy who was a witness on the trial of the State vs. Leo M. Frank. My evidence <sup>was</sup> ~~is~~ as

follows: "I worked at the National Pencil Company. I was hurt there in the metal department. I was out on my fore~~finger~~-finger on the left hand. That is the cut right around there (indicating) It never cut off any of my fingers. I went to the office to have it dressed. It was bleeding pretty freely. A few drops of blood dropped on the floor at the machine where I was hurt. The blood did not drop anywhere else except at that machine. None of it dropped near the ladies dressing room, or the water cooler. I had a large piece of cotton wrapped around my finger. When I was first cut I just slapped a piece of cotton waste on my hand.  
CROSS EXAMINATION. "I never saw any blood anywhere except at the machine. I went from the office to the Atlanta Hospital to have my finger attended to."

That statement is the truth. The reason I changed my evidence was because C.W.Burke first came to see me. My brother-in-law, Mell Arnold, came one day where I was working and told me that a man by the name of L.P.Eubanks wanted to see me that night at his (Eubank's) house Mr. Burke was there and met me with Eubanks, that being the second time I had seen Burke. Burke went ahead and wrote out a paper and had me sign it. That paper was false. Burke did not pay me anything, but promised me that he would get me a job paying me \$15.00 a week until he got me a job working with the Southern Railroad again, if I would sign the affidavit. I borrowed \$5.00 from ~~Eubanks~~ of L.P.Eubanks before I made this statement and Eubanks told me if I wanted money I could get it from him and he would take my notes for it. Sometime about a year ago myself, L.P.Eubanks, Mell Arnold and B.C.Duffy (my father) were arrested for alleged car breaking. Eubanks is the man who swore against the crowd and secured the indictments. At that time C.W.Burke was the special agent of the Southern Railroad and had charge of the prosecution. It was through Burke that Eubanks' case and the cases against the other men mentioned was not pressed. Eubanks, in this prosecution, was Burke's head witness in all these cases. A fellow by the name of Fritz Lynn and Jim Wren took me Thursday night, April 30 to my mother-in-law's house

at 332 Barnett Street. This was sometime before 12 o'clock. I could not get in the house and took a street car to my own home. When I got home I saw Jim Wren and Lynn in an automobile in front of my house. I whistled and they came up to where I was. I told them I could not get in my mother-in-law's house. Then they put me in the automobile and after driving around town a little bit and giving me supper, etc. they then took me to Austell, Ga. All the sleeping I did that night was done in the automobile. The automobile was stopped on the side of the road and all of us went to ~~sleep~~ sleep. The next morning we spent in Austell. Wren and I stayed in Austell and Lynn came back. Lynn is the man who drives the automobile for C.W. Burke and Jim Wren is working on the case for C.W. Burke. Wren bore all expenses. Last night, May 1st, Lynn, came to Austell and brought me back to Atlanta to the Capital City Chair Company on Marietta St. That was around 9 o'clock. There were a number of people gathered there, all of whom I took to be Jews, about eight or ten in all. They asked me all about my connection with the case. I told them all about it, and told them that Burke had promised to keep me out of jail if I would sign the affidavit which I had signed for Burke, and to get me out of any trouble of any kind in which I got. The other day, when Mr. N.A. Garner came out to ask me to come to Mr. Dorsey's office, I told him I would come if I could, but I did not come. Afterwards when Mr. Garner came to serve me with a subpoena I saw him and dodged.

H. A. GARNER, Sworn for the State. I went to the Southern Railroad Yards at the lower end of Decatur Street today about one o'clock to look for J.E. Duffy in order to subpoena him to go before an official court stenographer to make a statement for the hearing of an extraordinary motion for new trial in the Leo M. Frank case, or to get him to sign an affidavit which I had written out. The first time I saw him at this time was when he came out of a little shanty in the railroad yards and started walking fast toward some box cars. As soon as I saw him I started running after him but before I could get over to the shanty, he was out of sight, there being many box cars standing on the tracks all around there which prevented my finding him or seeing which way he went. As soon as I got over to the shanty, though I saw Mr. L.P. Eubanks, who told me that he had

been talking with Duffy just a moment before and Duffy had said: "Yonder's a fellow I don't want to see." Eubanks asked him "Who is it?" Duffy Replied, so Eubanks told me: "Newt Garner, and Duffy replied "I'm going' to beat it," and immediately left. For three quarters of an hour I searched around among the box cars looking into many empty box cars, ~~happk~~ hoping to find Duffy, but finally left without finding him.

ROBERT L. WAGGONER, J. H. DOYAL, Sworn for the State. We are detectives of the city police department of the city of Atlanta. We are acquainted with J.E.Duffy. Several months ago we saw Mr.Duffy in the office of the detective department. We do not know whether or not he came to the office upon his own initiative, or whether or not someone requested him to come. The first time we saw him was when he was there and talking about what he knew about his hand getting out at the National Pencil Company. Mr.Duffy stated that he had heard that it had been stated that the blood found on the factory floor possibly came from his finger when it was out. He stated that this was not true, that it could not have been possible. He stated as his reason the fact that he had some waste in his hand at the time his finger on his other hand was out and that he caught his finger at once in his other hand with the waste around it and held it tight catching whatever blood came from his hand in the waste and holding his finger tight with the waste so as to impede the flow of blood, and that holding his hand in this way he went immediately out of the room and on into Mr.Frank's office.

E. E. DUFFY, Sworn for the State. I am the father of J.E. Duffy. About one months ago I was ~~walking~~ walking home from the Southern Railroad yards with L.P.Eubanks and L.P.Eubanks said to me: "We are letting your son, J.E.Duffy, have money, and we are taking his notes for it, but that don't make any difference, He will not have to pay it back."

N. A. GARNER, S. L. ROSSER, Sworn for the State. We know J.E. Duffy and together ~~wik~~ we talked with Mr.Duffy, at the office of the Solicitor General, a short time after the murder of Mary Phagan and Mr.Duffy told us that when his finger was out at the National Pencil Company, that he had some waste and that he immediately wrapped it around his finger and held the waste and the injured

finger in his uninjured hand and that he was absolutely sure that no blood could have escaped to the floor; that he immediately went to the door of Mr. Frank's office and from there to some hospital. We were at the time of this statement discussing as to how the blood spots had gotten on the floor of the factory, and the fact that it had been suggested by someone that the injury of Mr. Duffy's hand was probably the source of the blood. This Mr. Duffy denied. We talked with Mr. Duffy on the evening of April 23, 1914, at his home in Atlanta and Mr. Duffy then stated that Mr. Dorsey, the solicitor General had not paid him any money, but that the Solicitor General did O.K. his subpoena, so that he could draw his compensation as a witness allowed by law, and that after the solicitor approved his subpoena that he (Mr. Duffy) went to the County Treasurer and got the money, about \$7.60.

H. L. CULBERSON, Sworn for the State. I am Treasurer of Fulton County, Georgia, and was during the year 1913; The record in my office show that on August, 19, 1913, I paid to one J.E. Duffy the sum of \$7.60, same having been paid him on a witness subpoena approved by the Solicitor General for two days' service as a witness and an affidavit ~~was~~ sworn to by the said J.E. Duffy for \$3.60 mileage. ~~The above witness subpoena and the affidavit herein referred to are on file in my office.~~

MELL ARNOLD, Sworn for the State. I was indicted in the Superior Court of Fulton County, on evidence produced by C.W. Burke, who was then special agent on the Southern Railway. There was absolutely no truth in the charges against me. Burke's main witness was one L.P. Eubanks I lost my job with the Southern Railway on account of this indictment. C.W. Burke was helping me, since he left the Southern Railway to get my position back. While Burke was helping me to get my job back, one day he asked me to see my brother-in-law, J.E. Duffy and to ask him to go to the residence of L.P. Eubanks on Alexander Street. I went to J.E. Duffey and told him to go to Eubanks' house. I am not positive whether I told Duffey that C.W. Burke would be there at Eubanks' house or not. After I went to Duffey and requested him to go to Eubanks' house I was present when Duffy executed a paper for Burke. Burke and Eubanks however both knew that I was going to be present when they interviewed Duffy. After this occasion

, I got my job back on the Southern. Fritz Lyn was also present when Duffy made this statement for Burke. I do not know myself about any money being paid. I had been promised the job by the Master Mechanic of the Southern Railway and Eubanks before the Duffy statement. I do not know whether it was the next week or the next month, but sometime soon after this I went back to work for the Southern Railway .

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J. L. MOORE, Sworn for the State. I know Mrs.M.Jaffe,wife of the optician who did run an optical business on Whitehall Street between Mitchell and Hunter Streets. I was in the place of business of M.Jaffe several times during the month of May,1913,immediately following the murder of Mary Phagan on April 26,1913,and from time to time I discussed with Mrs.Jaffe the Frank case,either while he(Mr.Jaffe) was actually at work upon my eye-glasses or waiting on someone in his shop, or while I waited for the return of her husband. Knowing me as a customer, she discussed with me the Phagan murder and the connection therewith of Leo M.Frank,who about this time was indicted by the grand jury of Fulton Superior Court. She discussed with me in detail a great deal of the evidence, and particularly the evidence of James Conley and endeavored to have me say that I considered Leo M.Frank innocent. At that time did she ever intimate or suggest in any of these conversations that she had ever seen Frank on the Street on the day in question or at any other time.

H. H. ORR, Sworn for the State. I am personally acquainted with Mrs.M.Jaffe. I have known her for two or three years. I am personally acquainted with her general character and reputation. That general character is bad. I could not believe her on oath.

3RD AMENDMENT.

B. S. SMITH, Sworn for the State. I was serving Hugh M.Dorsey, Solicitor General,in the capacity of stenographer,and as such took down the questions propounded by Hugh M.Dorsey to Mrs.Maud Bailey, hereto attached and marked Exhibit "A". This stenographic report is a full, true and correct report of the questions asked and the answers given by the said Mrs.Maud Bailey. This papers was taken on May 14, 1913, in the office of the Solicitor General in the Throver Building in the presence of Mr. Plennie Miner, Mr.Bass Rosser, Mr. Dorsey the Solicitor and the paper was written by me and signed in my presence

by Mrs. Maud Bailey.

(The following is exhibit "A" referred to above.)

"Statement of Mrs. Maude Bailey, 253 Humphries St., Atlanta, in reference to the murder of Mary Phagan, Atlanta, April 26, 1913, in the presence of Mr. Dorsey, Mr. Minor, detective Rosser and B.S. Smith. Atlanta, Ga., May 14, 1913.

Questioned by Mr. Dorsey.

- Q. What business is your husband in? A. Meat cutter, on Gordon St. and Newbitt.
- Q. Where did you say you lived? A. I live at 253 Humphries St.
- Q. Where did you live at that time? Q. I lived in a whole lot of places, Acworth St., Greensferry Ave., etc.
- Q. You used to work at the National Pencil Co? A. Yes sir, one year ago.
- Q. Did you know Mr. Frank? A. Yes sir.
- Q. What kind of man is Mr. Frank; what is his reputation. Q
- A. He has always treated me mighty nice.
- Q. What is his reputation, what did other people say at the time, A. Some say mighty nice things, some say not.
- Q. Those that say he is not nice, in what way did they say he is not nice. A. They seemed to say he is too fast around the girls.
- Q. That is his reputation, being a bad man after the women? A. Yes sir.
- Q. What did you ever hear any of them say about his undue familiarity with the girls, or what was your experience yourself? A. I heard a right smart of them say he got too fresh around the girls.
- Q. How many? A. A whole lot of them.
- Q. Would not you name a few? A. I could not.
- Q. I just want a few names. A. Well, my mother.
- Q. What is her name? A. Mrs. Mae Barrett.
- Q. What did you hear your mother say? A. Mama said Mr. Frank was not running the place right; that he was too fast around the girls, I think so myself.
- Q. What did you ever see him do? A. I never paid any attention to him.
- Q. What are some of the things you saw him do? A. I never saw him do anything, but he said he did not want old ladies to work there, he wanted young girls.
- Q. Were you present when a woman gave birth to a child? A. I was up there when a girl miscarried.
- Q. Who was that? A. Viola Franklin, and there was another one miscarried there, but I dont remember her name.
- Q. What did Mr. Frank say when that girl miscarried that you know about? A. He never done anything; let her stay in the dressing room until she was able; she stayed there about two or three hours. They never said anything about it; she worked there about three months after that.
- Q. Did he get excited or get a Doctor? A. Certainly.
- Q. Was there any talk at that time as to who was the father of the child? A. I dont think there was anyone at the factory was.
- Q. Well, the other one, did Mr. Frank pay any attention to that? A. It seems he did.
- Q. Who was she? A. I dont remember.
- Q. Opie Dickson or Mattie Smith? A. One of them.
- Q. Are you sure it was one or the other of them? A. Yes.
- Q. What did he do this time, did he seem very anxious? A. Just got a doctor to her there; came up several times to girls there.
- Q. What Doctor? A. I dont know what doctor; the ambulance came once to one of the girls, Maybelle Reed; She was laid out on the table; I thought she was dead.
- Q. Was that in connection with child birth? A. I dont know never knew.
- Q. What did you ever see Frank do that looked like he was unduly familiar? A. I never paid attention to Frank, never had time.
- Q. You heard it talked around that he was trying to do things with the girls that was the general talk and general reputation? A. I certainly have.
- Questioned by Mr. Rosser.
- Q. He wanted young girls, not old girls?
- A. He wouldn't hire old girls; looks like to me old ones could do the work just as well as the young ones.
- Questioned by Mr. Dorsey:
- Q. He preferred ones with short skirts? A. Yes.
- Q. He said he did not want any old women? A. Why certainly.
- Q. His reputation was so bad it was common talk by everybody that worked there? A. Some of them that worked there didn't say anything.



but that was because they were his pets. He had some pets around there.

Q. You were there Saturday, April 26th? A. Yes, quarter to twelve.

Q. Who all did you see? A. Mr. Frank.

Q. What was he doing at that time? A. He was going to the shipping room, and he spoke to me.

Q. Who else did you see? A. Arthur White.

Q. What was he doing? A. Standing there talking to his wife.

Q. Who else? A. Corinthia Hall.

Q. Who else? A. Emma Clarke

Q. Who else? A. Stenographer in the office; I dont know her name.

Q. Did she wear glasses? A. I ~~Frank~~ dont know, I never saw her face.

Q. How did she look? A. I never paid much attention to her

Q. You got there at what time? A. Quarter to 12.

Q. How long did you stay? A. 10 minutes 12.

Q. You did not see Mary Phagan? A. I saw two girls come out of the door, but didn't know who they were. <sup>blue</sup>

Q. How was Frank dressed? A. Frank had on a dark/suit of clothes, was in his shirt sleeves, and had a paper in his hands and was going to the shipping room; said to Arthur: How late are you going to work this afternoon? About 3, Arthur said. You will be shut up by yourself. Then Arthur said all right. Then Frank laughed, looked kind of white in the face. That was before Mama come down.

Question by Mr. Rosser:

Q. Did he look like there was any trouble on his mind?

A. Yes sir, looked to me like he was worried. Mama went up there to get some boxes to make some slats to go up on the back window to keep the sun out.

Q. How long did Frank stay in the shipping room? A. Just a few minutes, went back to the office.

Q. In his shirt sleeves? A. Yes.

Q. Was he writing? A. Never saw him writing.

~~Question by Mr. Dorsey:~~

Q. How come you to notice him this time being nervous? A. I just listened to him and Arthur talk. I looked at Frank; he looked kind of funny, dropped his eyes when he went in the shipping room. He said Howdy Miss Maud, and I said, Howdy Mr. Frank, was all he said to me.

Q. Did you ever notice him being nervous before when you were around him? A. Well I never looked at him that hard.

A. CAPT. PLENNIE MINOR:

Q. What did Arthur White ~~say~~ say to his wife when she went down the steps? A. She was standing at the foot of the steps; had one foot on one of the steps. Arthur was standing there on the third or fourth step, anyway he said: "You can go down and stay at somebody's else's house and spend the night, because I'm liable not to come home tonight, and may not come home tomorrow." Then she said "No, I'll stay at home whether you come or not. He said: "I'm ~~not~~ going to get on a "high-way".

Q. Arthur said that: A. Yes sir. Arthur used to get beer in the basement.

Questioned by Mr. Rosser:

Q. Did you ever know anything about the cot being in the basement? A. Never did, until I saw it in the paper. I have never been in the basement; I have been all over the factory except the basement.

Questioned by Capt. Minor:

Q. Do the girls and boys working there know anything about this basement? A. If they did, I never knew anything. They stand by the elevator every day at noon, talking and go back in the dark.

Q. Never heard of any of them going down in the basement? A. No sir.

Questioned by Mr. Dorsey:

Q. Did you know Mary Phagan? A. I certainly ~~did~~ did.

A. What kind of girl was she? A. Nice girl.

Q. What kind of reputation, good or bad? A. Good reputation.

Q. Never heard anything wrong? A. Never did, never saw anything wrong. She would never stand on the stairway and talk with boys.

Q. What about the general reputation of that factory?

A. Well it had a pretty bad name I should think. "

B. S. SMITH, Sworn for the State. I took down the questions propounded ~~thax~~ by Hugh M. Dorsey to Mrs. May Barrett, hereto attached and marked Exhibit A. This stenographic report is a fully ~~thax~~ true

and correct report of the questions asked and the answers given by the said Mrs. May Barrett. This paper was taken on May 14, 1913, in the presence of Plennie Minor, Mr. Bass Rosser, Mr. Dorsey, the Solicitor and myself as stenographer and was written out by and signed in my presence by Mrs. May Barrett.

(The following is Exhibit A referred to in above)

"Statement of Mrs. May Barrett, 253 Humphries St. in reference to ~~xxxxxxxx~~ conditions around the Pencil Company factory relative to the murder of Mary Phagan, Atlanta, April 26, 1913, in the presence of Mr. Minor, Mr. Rosser, Mr. Dorsey and B.S. Smith.

Atlanta, Ga, May 14, 1913.

Questioned by Mr. Dorsey:

- Q. What is your name please? A. May Barrett.
- Q. Where do you live? A. 253 Humphries St.
- Q. Where do you work? A. National Pencil Co.
- Q. How long have you worked there? A. Somewhere in the neighborhood of three years.
- Q. You ~~was~~ were there on Saturday, April 26th? A. Yes sir.
- Q. When did you get there? A. Somewhere in the neighborhood of quarter to 12.
- Q. With whom did you come? A. By myself?
- Q. Did you see your daughter there? A. Yes sir.
- Q. Who all did you see there when you got there? A. I went up on the top floor. I work there, and as I come back my daughter was standing at the steps at the first floor and Emma Clark, forelady, was there, and Corinthia Hall, and Arthur White, and his wife.
- Q. Did you see Mr. Frank? A. No sir.
- Q. How long did you remain up there? A. It was something after 12 o'clock, I remember hearing the whistles blow.
- Q. How did you have your hair fixed? A. Just like this (Done up)
- Q. Did you see Mrs. Arthur White? A. I dont really know, but my daughter said it was.

Questioned by Mr. Rosser:

- Q. How long did you stay? A. I waited ~~x~~ for them to saw some of the planks on the rip saw.
- Q. How do you know it was quarter to 12. Did you look at the clock? How long did you stay there? A. Some few minutes.
- Q. 15 or 20 minutes? A. I suppose about 20 minutes or 25 minutes.
- Q. Did you see anybody when you come out? A. I saw my daughter, Corinthia Hall, Emma Clark, Arthur White and his wife.

~~xxxxxxwife~~

Q. Do you know Mary Phagan? A. Yes sir.

Questioned by Mr. Dorsey:

- Q. You saw her (Mary Phagan) A. No sir.
- Q. Didn't you see her when she <sup>you</sup> come away? A. No sir, neither coming or going.
- Q. You would have been coming away a little after 12? A. Yes sir.
- Q. The whistles blown for 12 before you come out? A. Yes sir.
- Q. How long after 12? A. I dont know exactly; I was on the top floor.
- Q. It would have taken you a minute to walk down the steps? A. Yes sir, I suppose so.
- Q. You had come out of there two or three minutes after 12? A. Yes sir.
- Q. You were out of there by what time? A. I dont know exactly.
- Q. You think it was something immediately after 12, A. Yes sir.
- Q. Did you see Mr. Frank at any time? A. No sir.
- Q. Did you hear him say anything? A. No sir.
- Q. You are acquainted with his general character and reputation? A. He has always acted like a gentleman in my presence; I could not say anything else and tell the truth.
- Q. Did you hear people talk about him in the factory; never heard his name called; You dont know whether his reputation is good or bad? A. No sir, I could not say.
- Q. Talking about what people said of him, never heard them discuss his disposition to flirt with the girls, make love to them, etc? A. No sir, I never have.
- Q. What is it that you know about this business that you are holding back? A. Nothing at all.
- Q. Did you tell anybody ~~this~~ that you knew a good deal, but they had to pay you money to tell it? A. No sir, I did not, no sir, indeed never did

Q. You do not know anything you want to sell do you? A. No sir, indeed I dont.

Q. You have told us everything that happened? A. Yes sir ,as far as I know.

Q. You were on the floor above the office floor? A. I am on the very top floor of the building.

Q. Your little daughter says she heard you talking about Mr. Frank?

A. She is sadly mistaken. My little daughter is not responsible for what she says.

Q. This little girl? A. No sir.

Q. What is the trouble? A. She tells lies.

Q. What makes her tell them. A. I dont know.

Questioned by Mr. Rosser:

Q. How is it you should be the first person to come here and talk like you do when there are a dozen others tell the same thing your daughter did: Are they all telling a story? A. I cant help that.

Q. You are a married woman and know about these things: You never saw any of these foremen fell of the girl's legs? A. Saw them laughing and talking.

Q. Never saw them with their hands on the girl's? A. I have seen them jolly and go on.

Q. What do you call jolly? A. Laugh and talk.

Q. Is this as far as they went? A. I didn't see any harm in that. I didn't pay any attention to anybody's business but my own?

Q. What about when the girls sat down and ate their dinner, the foreman and boys getting down to where they could see and peeping up under their dresses at their legs? A. I haven't anything to do about that; I am not taking care of other people's business.

Questioned by Mr. Dorsey.

Q. You say your little girl tells stories? A. She certainly does.

Questioned by Mr. Rosser.

Q. What did she ever tell a story about. A. I suppose that's my business; it does not concern others at all.

Q. We want to know the trouble. A. I told you - -

Questioned by Mr. Dorsey:

Q/ Hasn't she good sense? A. I suppose she has, but she don't use it.

Q. The people at the factory give her a good name. A. But you dont know.

Questioned by Mr. Rosser:

Q. You mean your daughter is no account? A. I dont meant that; I didnt say those words.

Q. Just explain it your own way. A. I said she ~~x~~ told stories.

PLENNIE MINER, Sworn for the State deputy sheriff of Fulton County, Georgia, and in making investigations with, reference to the death of Mary Phagan, I, in company with detectives L.S. Rosser, went to the Swift Soap Works and found Mrs. Maud Bailey, daughter of Mrs. May Barrett at work there. She told us some things and also said in substance as follows; "That her mother, Mrs. May Barrett, was at work at that time at the National Pencil Company's place of business and that she was at the National Pencil Company on Saturday, April 26, 1913 at some time. She said that her mother knew a good deal about it, and that she knew a good deal more about it than she would tell, and that she would have to get something out of it before she would tell." She said we would have a pretty hard time getting it out of her, that she was mad at her (Maud Bailey) because she had told it. I carried Mrs. Maud Bailey in my buggy to the office of Hugh M. Dorsey, the Solicitor General, and S. L. Rosser, the city detective, returned to the office on the street

car. I was present <sup>when</sup> the stenographer took down the questions propounded to both Mrs. Maude Bailey and Mrs. May Barrett. I told the Solicitor General as to what Mrs. Maud Bailey had stated to me before he began questioning her. As Mrs. ~~May Barrett~~ <sup>Maude Bailey</sup> went to leave the office of the Solicitor General, she saw sitting in the office her <sup>daughter</sup> ~~mother~~, ~~Mrs. May Barrett~~ <sup>Maude Bailey</sup>. Mrs. May Barrett said in substance to her daughter, "you told a pack of lies."

May Barrett

B. L. ROSSER, Sworn for the State. I have read over the above and foregoing as signed by Deputy Sheriff Plennie Minor. The recitals of fact as contained therein are true.

MRS. T. D. MORRIS, Sworn for the State. I am personally acquainted with Mrs. May Barrett. On April 26, 1913, Mrs. May Barrett, Mrs. Maud Bailey, and myself and my daughter, Florence Earnest, went to Moon's Shoe Store on Mitchell Street between 9 and 10 o'clock. Mrs. Barrett said she had to go to the pencil factory so she left us at the corner of Mitchell and Forsyth Streets. After Mrs. Barrett left us we went to Duffys, on the corner of Mitchell and Forsyth Streets. We finished our business in Duffys and came out and waited on the corner for Mrs. Barrett. She did not come back as soon as we expected her to, so Mrs. Maud Bailey asked me to go down to the National Pencil Company's place of business with her to get her mother. I said to Maud I won't go upstairs, I will stay down here and wait for you. Stewart Ave car ~~and~~ came along and my daughter Florence said to me "let's go home". I said "I can't - I have Maud's umbrella. When my daughter boarded the car and while I stayed in the doorway of the National Pencil Factory there was an old negro man sitting down on a box at the right hand side of a person as they went into the the factory, in other words, the man sat at the north of the entrance. Three white men were standing out in front of the pencil company. While I was standing in front of this building two ladies came down and went across Forsyth up Hunter St. One was a tall lady and the other was low and chunky. There was a tall, slim negro sitting on the inside of the door and he came out and sat down by the side of the negro who I first saw sitting on a box ~~in front of the~~ I have today looked at this man that I saw sitting on a box in front of the factory, on April 26, 1913, and I am informed that this man's name is Truman McCrary. I remained in front of the pencil factory until Mrs. Barrett and Mrs. Bailey came down. I

and Mrs. Maud Bailey left Mrs. Barrett at the grocery store and we caught a Stewart Avenue car at the corner of Mitchell and Forsyth Streets. As we were about to catch the car we heard the 12 o'clock whistles blow. When I got home it was twenty minutes past 12 o'clock. About a week after the death of Mary Phagan, I was talking to Mrs. Barrett on the corner of Wells and Stewart Ave. I asked her what she thought of the murder, as to who was guilty and she stated that she believed Mr. Frank was guilty and I remarked that she would have to go to court to testify in the case and <sup>she</sup> stated that she could not help that. Job or no job she had to tell the truth. I had a conversation with Maud Bailey about a week after this occurrence. Miss Maud stated that she knew a lot about the pencil factory and that she thought Mr. Frank guilty, and if she ~~was~~ had to testify she would say that she believed Mr. Frank was guilty. Last Saturday morning, Mrs. Bailey came to my home, 39 Ocmulgee Street and stated to me that the detectives representing Mr. Frank sent for her several times at the Dixie Comb Company to come to the pencil factory, and she stated that a detective asked her if she did not want to go back to work at the pencil factory, saying that they would give her a good job, and she told them that she would not work there for \$5. a day. These detectives paid her carfare and her time while she was away from her work. I have been knowing Mrs. Mae Barrett and her daughter Mrs. Maud Bailey going on two years. They lived next door to me on Wells Street last year. I do not know anything about Mrs. Mae Barrett or Mrs. Maud Bailey that is good or bad. I do know that it is generally known that Mrs. Mae Barrett drinks whiskey and gets drunk at times. I have heard Mrs. Maud Bailey on several occasions speak to my children of knowing Mary Phagan and how pretty she was and what pretty hair she had. I have stated these facts to nobody and would not have stated it now if it hadn't been for the fact that I read a newspaper account of the evidence purported to have been given in the shape of an affidavit by Mrs. Maud Bailey. I knew that this statement as to the time of her being at the pencil factory was false. I knew that she was with me and she was obliged to know that what she stated was not the truth.

my mother or as to the facts stated in the affidavit <sup>it</sup> is true in every particular.

MRS. MINNIE WILSON, Sworn for the State. On the 26th day of April 1913, I saw Mrs. Maude Bailey at 122 Wells St., my husband's place of business. Mrs. Bailey came into the place and asked permission to use the telephone and we told her she could use it. Whoever it was she was talking to, she called the Swift Soap Works, where she worked at the time, and whoever it was that was talking with her at the end of the line evidently told her to come up there for her money for her reply was, "I can't come up there for I am sick and I will send an order", and I said to her after she got through talking, what do you want to be lying to them for, you know you are not sick, and she said "I am always sick". A girl named Florence Earnest came into the store with Mrs. Bailey, and after Mrs. Bailey had talked awhile, she let Florence Earnest talk over the phone and Mrs. Bailey had a pair of new shoes with her and while the other girl was talking, she (Mrs. Bailey) tried on one of the shoes. All this happened a little before twelve o'clock, noon, and then Mrs. Bailey went out of our place, and in about 15 or 20 minutes she came back and asked to use the phone again, and she called the Swift Soap Works and asked to talk to Mr. Newcomb and she seemed to be quarrelling with Mr. Newcomb. She told him to meet her at twelve thirty or as soon thereafter as possible to see the parade. I know Mrs. Bailey's general character or reputation. That character is bad and I would not believe her on oath.

MRS. J. ARTHUR WHITE, Sworn for the State. I was standing talking with my husband, J. Arthur White, at the top of the stairway on the second floor of the National Pencil Factory on Saturday, April 26, 1913, the day Mary Phagan was killed, between 11:30 and 12 o'clock. I know it was that time because I came out before 12. While standing there, May Barrett came down the steps from the floor above and met Maud Bailey on the second floor and they went on down the steps toward the front door. I immediately followed down. I saw them leave the office floor and I did not see them on the staircase or in the building as I went down.

ARTHUR WHITE, Sworn for the State. I was standing talking with my wife, at the top of the stairway on the second floor of the

National Pencil Company, on Saturday, April 26, 1913, between 11:30 and 12 o'clock. I know it was that time because my wife left before 12. While I was standing there, Mrs. May Barrett came down the steps from the floor above and met Mrs. Maud Bailey on the second floor and they went on down the steps toward the front door. I did not see them go out the front door, but I saw them leave the office floor.

DR. RUSSELL D. STALLINGS, Sworn for the State. About three weeks ago late in the afternoon a lady came in and asked me to let use the telephone. After she got through using the phone, her ~~wax~~ conversation with me was as follows: "I know in my own mind that Frank did kill Masy Phagan. He is one of the meanest men I ever had any dealings with. I worked for him and I know him. None except young girls and them good looking can get a job with him, and they have to do as he says or they can't hold their positions. I left because I would not do as he wished. My mother works there now but she commenced after Frank was locked-up." I was a witness at the trial. I asked her her name and she told me her name was Mrs. Maud Bailey. J.A. Bledsoe was present during this conversation.

I have seen same lady and found her name to be Mrs. Maud Bailey.  
W. T. QUINN, Sworn for the State. I am acquainted with the general character or reputation of Mrs. Maud Bailey, and that character is bad. I have two daughters working at the Swift Soap Works, where Mrs. Bailey worked, and Mrs. Maud Bailey's reputation was so bad that I went to Mr. Norris, Assistant Superintendent of the Swift Soap Works and told him that if he didn't get rid of Mrs. Bailey that I would remove my two daughters from the factory. A short while after that Mrs. Bailey was discharged.

E. H. DUNCAN, Sworn for the State. I am acquainted with the general character of Mrs. Maud Bailey. I used to work at the same place she did and I know her personally also. Her general character in the community where she lives is bad and I would not believe her on oath /

J. A. ADKINS, Sworn for the State. I am acquainted with the general character and reputation of Mrs. Maud Bailey; that character is bad and I would not believe her on oath.

B. HG. HOLT, Sworn for the State. I live at 117 Wells St., Atlanta Ga. Next door lived Mrs. Maud Bailey and Mrs. May Barrett.

I am also personally acquainted with Will Newcomb, who is a foreman at the Swift Soap Factory, and he frequently visited Mrs. Maud Bailey while she was living at No. 117 Wells St. He would stay there from 7 o'clock to 9, 10, 11 and 12 o'clock at night and drink beer together. I have known Mrs. May Barrett to leave and go to work of a morning before her daughter Mrs. Maud Bailey would go and after Mrs. Barrett would go Will Newcomb would come down there to see Maud Bailey, go in the house and close the door, but I don't know how long he would stay on these occasions. There was a man boarding with me by the name of Haynes, but he didn't stay very long. One night while he was there, somewhere around eight o'clock or half past eight, Mr. Hayes started to the back part of the house, and he called me to come out there and see something and I went out there and saw Mrs. Maud Bailey backed up against the railing of the back porch and Will Newcomb was standing up between her <sup>legs</sup> ~~legs~~, but we did not do anything to interrupt them. Another time at night, along about this time, about seven or seven thirty, I come home and found Mrs. Maud Bailey in my side of the house, with nothing but her night clothes on, and she looked like she was scared to death, and I asked her what the matter was, and she said her mother was drunk and had run her out of the house, but soon after I got there her mother, Mrs. May Barrett got quiet and Maud Bailey went back to her side of the house. I knew the general reputation and character of these women and I didn't want to live in such close proximity to them and I moved away from there. The general character of these two women is bad, and I would not believe them on oath.

T. F. WILSON, Sworn for the State. I am acquainted with the general character of Mrs. Maud Bailey and that character is bad and I would not believe her on oath.

HARRY BAKER, Sworn for the State. I am personally acquainted with Mrs. May Barrett and her daughter Mrs. Maud Bailey. Along last summer during the trial of the case of the State vs. Leo M. Frank, I personally heard Mrs. May Barrett say that if she would tell all she knew about the case that both Frank and herself would be lynched.

4TH and 5TH AMENDMENT.

ANNIE MAUD CARTER, Sworn for the State. I was in the Fulton County Jail 6 months. I went there Last October and Jim Conley was in jail



when I was put in jail. Whenever Mr. Roberts would go downstairs to empty the slops I would go around to see Jim Conley and give him things to eat, and I think I went the first Sunday in December. I wrote him two or three letters, and he sent them back because he said he couldn't read them. No I wrote him three and he wrote me <sup>two</sup> to my knowing. There was nothing vulgar in either one of the letters he wrote me, and I sent the letters back to him by Fred Berguson because I couldn't read all of them, and I sent them back to him and went down there at 12 o'clock to see what he wanted and he wanted me to let him have ten cents to get a piece of bread and some sardines, and if there is anything vulgar in any of those letters he wrote, it has been put in there since he wrote them to me by somebody else. Jim Conley told me this last gone Tuesday when I was up there to see Asa McFarland. He asked me if any of Mr. Burns' men had been to see me, he said first did I know this other girl, where she lived, that had been coming there, and I said I know where she lives, but I don't know her name, I knew her sister but I don't know her, and he says I know where she lives, and he said somebody told the sheriff about me talking to Jim and they looked me up about it and I stayed there a week and they found I wasn't down there at the time they said I was and Mr. Roberts had the sheriff turn me out again, and Jim told me Tuesday that someone took those letters I wrote him and the ones he wrote me and I sent back. I asked him if he had them and he said no that somebody took them sometimes in January, but that he ~~sax~~ just hated to tell me. I said don't forget to take those letters out with you, for he told me he was going to get out in May, and then he told me that somebody got them. During Christmas, I was due to go in at 7 o'clock and Mr. Gillem would let me stay out until nine and nine thirty. One day Jim Conley said "are you going to let her come in here Mr. Gillem" and Mr. Gillem said he could not do it then that I had better wait until another time, and I said I don't want to go in there, and Jim said, "if he will let you in here it will be satisfactory won't it" and I says "I don't think that much of you, and Jim says "you haven't been corresponding with me all this time and don't think that much of me, do you". But Mr. Gillem told me he would give me \$2.00 himself if I would go in there and see Jim Conley. Geo. Wren wrote a letter and give it to me, he dropped it first, he said you are going downstairs now and ~~give it to me~~

I said yes, and he said you go downstairs and give it to Jim Conley and tell him it just come in through the mail, and I took it down there and Jim said you know I can't read, maybe it is from my mother and I thought it was devilment in it, and it said in the letter, "Now you know you know all about this, why don't you tell the truth about it, for you know you are in the hands of your enemies, and I will do this and that to you, and if you don't tell the truth about it you will be hung by an enemy that is bitterly against you", and right after that I goes to Mr. Suttles, he can remember the time, he was going down and Jim Conley hid from him because he thought he was a Jew, He went back and got another man, I think it was "Mr. Owens, and he said, "here is another Jew Conley and laughed, and Jim Conley said "I thought you all were Jews at first. Mr. Gillem says to me, "You go in there and talk with him for he will tell you anything, and I went in there one evening at 3 o'clock and stayed until 7:30 and Mr. Gillem told me to find all I could from him. Of course he said he didn't believe him was guilty but he believe he knew something. I asked Conley, I said "I want you to tak an oath and swear to me if you know anything about it" and he said "Yes I know Mr. Frank killed that girl" and I said "what else did he do" and he said "I don't know but he killed her and made me take her downstairs" and I said "Is that all" and he said "yes" but he would tell me other things about Mr. Frank being with these different women at the office, and I come out and told Mr. Gillem this, and he said "that is the same thing he tells everybody." Mr. Gillem tried to get me to go in there, he said "you are not obliged to be with him, I just want to see if he will try to fool with you with his mouth or his privates." I have asked Conley and he said he would'nt do anything like that, I *and said he never did anything but in the natural way* asked him which way he done it and he told me. I saw him stark naked one day just like he was born, and he looked alright to me, and I asked Mr. Gillem who said Conley was a cock sucker, and he said "Oh, that son of a gun can do it as good as any man. The first Sunday in December, I was sitting on the second floor, and a Jew came up, Mr. Frank was out there and three or four more Jews. Mr. Pappenheimer was there with him too. This Jew asked me was I out ~~xx~~ all the time, and I said yes, and he said I want to see you, and I said all right and he said do you know how to get rich right quick, or have you as

want, or more than you will ever be able to dispose of. Do you ever go to talk with Jim Conley, and I says I am on my way there now. And he said I want you to do something for <sup>me</sup> and state your own price. ~~It is dangerous, don't let get about your food,~~ I want you to take this little vial and put a drop in his food and give it to him and I will guarantee you will have a pot of money and will be a free girl before tomorrow night, and I said he aint done nothing to me and he said I know, but it is our man he has got and what do you care about a negro hanging, all you want is money, and I said I don't want the money and he said if you refuse the money you are a damn fool and walked off. I don't know his name, but he comes up there with Elein boys. He has black hair and his hair stands up and his hat pulled down on one side.

JAMES CONLEY, Sworn for the State. I am now in the Fulton County jail, where I have been ever since the trial of Mr. Frank in July of last year. I am located in the wing on the North side of the jail on the first floor. No other person is kept in there with me. I know Annie Maud Carter, who was a negro woman prisoner and who stayed in the jail for a ~~few~~ few months. The first time I saw her was upon one occasion when I was carried up to the court house for trial. I was not tried at this time, however. I saw her in the jail a number of times after that. I never talked with Annie Maud Carter about all of my affairs. I never discussed my case with

Annie Maud Carter. At one time she tried to talk to me about the case, and asked ~~what~~ what I expected they would do with me, and I told her I didn't know. It is not true that I told Annie Maud Carter that only God knew who did the murder; nor did I tell her that I was so near guilty that I felt lost and that I had lost all hope. I did not have all confidence in her, nor tell her any secrets. I was warned by a negro named Fred Perkerson, who was also a prisoner in jail, that Annie Maude Carter was crooked. She had told me that the first man she ever had anything to do with was a Jew and that she could count the negroes she had ever had anything to do with. She did suggest to me that she would marry me right here in the jail if I would consent. She talked to me usually through the bars of my cell door, which was usually kept locked. It is not true that during Christmas week that I ~~did~~ told her that I would make any statement to her if she would marry me. I did not tell her that I murdered Mary Phagan; nor did I tell her that it was so plainly shown on Mr.