

Frank that I let it go that way; nor did I tell her that I and Mr. Frank both had connection with the girl; or that I lied when she claims that I said that Mr. Frank had connection with the girl. I did not make any statement like that to her, nor did I tell her that I done it all by myself, and never to say anything about it. Nor did I tell her that I first choked Miss Mary Phagan, and after she was unconscious, I had connection with her, or that she was young and never having had any one that I had to tear her privates: or that I was sitting on the box when the girl came down: nor that I had called her and when she turned back that I then struck her with my fist knocking her down and dragging her back where they put rubbers on pencils. It is not true that I told Annie Maud Carter that finding Mr. Frank absent, I dropped Miss Mary Phagan through the hole and that I then took Miss Mary Phagan around by the furnace and started to put her in the furnace but that my conscience would not let me do so; nor did I tell Annie Maud Carter that I put Miss Mary Phagan down there to make people believe that Newt Lee done it; nor that afterwards I found a piece of blank paper and tore it in two and picked up a pencil and put the paper on the cellar door and wrote the notes that were found by the body of Miss Mary Phagan; nor did I tell Annie Maud Carter that I first took the notes and put them in Miss Mary Phagan's bosom, and that I then took them out and layed them by her side; nor that I then took a thing they opened boxes with and pulled the staple out of the back door and went out of the door, going over to Broad St. to get a glass of beer; nor is it true that I told Annie Maud Carter that I went back to the factory to make people believe that I was innocent but that the truth must come to light; nor that I wanted to save Mr. Frank by saying that I helped move the body of Miss Mary Phagan, but that I knew that would not work; nor that afterwards I went and got drunk and started to leave town and that I knew that that would not do, and that I stayed in Atlanta to show that I was not guilty. It is not true that I told Annie Maud Carter not to say anything about this, that I wanted to serve my twelve months and be free, and that if I could not get Annie Maud Carter, that I would go North and marry some white woman around Cincinnati. It is not true that I told Annie Maud Carter that I kept the money that was in

Miss Mary Phagan's purse, and that I gave the purse to a negro child; nor did I ask Annie Maude Carter to be with me; nor did she tell me "no, that was what got you in jail". I did not make these statements to Annie Maud Carter, either in substance or in any other like language. I further state that if Annie Maud Carter states that same is true, that she is misstating facts. I further state that such statements are untrue and are not the facts, that I did not do the things above stated, nor did I tell her that I done them. I know Dr. Wren, knew him while he was a prisoner in the Fulton County jail. I have seen him and Annie Maud Carter talking together in the jail on the first floor. Dr. Wren has delivered to me in my cell wing upon several occasions, notes from Annie Maud Carter. He would sometimes bring them into my cell wing at night and throw them in on my bunk and tell me that Annie Maud Carter had sent them to me. At one time I saw him throw her a note from the second floor, where he was standing, immediately in front of Mr. Frank's cell and Annie Maude threw the note to me. I have been bothered by people coming into my cell wing; sometimes Deputy Roberts would bring people in as if he were showing them the heating system, and lots of times when he would come in and go out he would leave the cell wing door open or unlocked, and others would come in. Some Jews have been in my cell wing, and Mr. Darley from over at the pencil factory, has been one of those who have come into my cell wing. Dr. Wren's brothers have both been in my cell wing, and he himself was in my cell wing frequently while he was in jail as a prisoner. In this way Annie Maud Carter did come into my cell wing once and stayed a short time. It is not true that I saw J.W. Boozer on Peters St. on April 26, 1915.

FRANK REESE, Sworn for the State. About the middle of last summer, 1915, I was sentenced to serve six months jail sentence for carrying concealed weapons. I got out about February of this year. While I was a prisoner serving a jail sentence during that term, I was a trusty prisoner and cleaned up around the jail and did laundry work. I knew Dr. Wren, a white prisoner who was also serving a jail sentence and who was also a trusty prisoner. He roomed in the hospital on the fifth floor and had charge of the medicine room on the fifth floor.

He helped the County Physician and had charge of the sick and the giving out of medicine while the County Physician was not present. He had access to all the inside part of the jail, including the cell wing of Jim Conley. I have seen him in Conley's cell wing quite often and have seen him carry Conley something to eat from the Deputy's table, where Dr. Wren usually ate. I have heard Dr. Wren telling Conley, that he had been tried, that he (Conley) could take this murder on himself and that this would free Mr. Frank and that they would never try Conley any more for it, after he had once been tried. Conley would not agree to do this. Dr. Wren talked to Fred Perkerson and myself several times and tried to get us to agree to go to Conley's cell and come out and claim that Conley had confessed to us. He said he would get lots of money from the Jews to do this. Dr. Wren would talk to us, usually when Mr. Hillaland would go to the front to get his dinner. Dr. Wren would keep me in cigars to smoke. Fred Perkerson was a colored man, also serving a jail sentence. We both told him that we would not say this about Conley? Dr. Wren told us that Conley was not kin to us, and all that we ought to want was the money and that when we got out that we would need it. We told Dr. Wren to work this himself and he said he didn't want to mix in it, that we were damn fools that money would be brief when we got out, but that when we got out everybody would have money. I knew Annie Maud Carter, who was a negro woman prisoner in the jail and who was released on the trusty or clean up work every morning by Deputy Roberts, and was locked up by Deputy Allen, when he came on duty every day about 3:30 P.M. Annie Maud Carter did the cleaning up of the hospital and also some laundry work on the fourth floor. She did some ironing on the fifth floor in the medicine room. I have seen Dr. Wren and Annie Maud Carter talking together very often but do not what was said between them. I saw Annie Maud Carter go to Conley's cell wing once and Fred Perkerson and myself called to her not to go in there as she would be locked up and she stopped at the door to the cell wing. Both Fred Perkerson and myself knew that she was crooked and we thought she was up to some mischief and we cautioned James Conley ourselves that she was a bad woman and might try to do him some harm. I never saw Annie Maud Carter go into the cell wing of James Conley, but simply stand in front of the door and talk

to him. I saw Dr. Wren at one time give Annie Maud Carter a note or rather he threw her one from the second floor and she carried this same note that Dr. Wren had thrown her and she pitched the note into Conley through the door to his cell wing. Last night after I had gone to bed, Dr. Wren came to my home and called to me and got me to get out of bed and come out on the outside. He asked me what I was doing and I told him nothing and he told me that he had a little job for me to do; and that he wanted me to come to his house in the morning, and he gave me 10 cents car fare to come on. This morning Mr. Wren was at my house before seven o'clock. He had a long white paper, and wanted me to sign it. I cannot read or write and I told him I wanted to wait and see what the paper was, he wanted me to sign. He said it was a paper that I had carried notes from Conley to Annie Maud Carter. He said well you can't write, and I will write it for you. I told him not to do it, that I wouldn't authorize any one to sign for me until I knew more about it. He gave me 20 cents so that I could go and get him and I a drink of whiskey and when I got it he wouldn't drink and he told me he didn't believe he would drink any as he didn't want the boys where he worked to smell it on him, and he told me to drink both drinks for myself. I drank them both and then he took me up with me the question of signing the paper, which I refused to sign. As we came around the house, we met another man, with some other men. He is a bailiff in the Thrower Building. Mr. Bass Rosser, the city detective, said he was a Mr. Goodlin. He did not have anything to say to me and I do not know what he knew what Dr. Wren wanted with me. He told Mr. Rosser the detective, that the men with him were prisoners he had arrested. While I was still talking with Dr. Wren, detective Bass Rosser walked up and told me that Mr. Dorsey the solicitor general wanted to see me at his office and I left and went with detective Rosser to Mr. Dorsey's office, where I am now and make this affidavit.

ELLEN SIMS, Sworn for the State. I am acquainted with Annie Maud Carter. She is my cousin. She was at my home a few days after she got out of jail, and talked to me about seeing Jim Conley she she was in jail. She said she had talked to Conley. I asked Annie Maud Carter whether or not she had got Conley to talk with her about the murder. She said he would not talk with her about that case, and all she could get him to say was that he had told the truth. When she

told me this my sister was present and also a man, and they also heard what she said to me. I am acquainted with Annie Maud Carter's general character and general reputation; her general reputation and character for truthfulness is bad; she is entirely unreliable and can not be depended upon. She has been in jail before this last time and that was also for stealing. *I enquired for Annie Maud Carter and cant find her*
WILLIS J. GILLELAND, Sworn for the State. I am connected with the sheriff's force in charge of the prisoners at the jail, serving as inside guard from about 8 A.M. until about 3:30 P.M. each day. I have charge of the prisoners locked up in the cell wings, the working force for cleaning up the jail, for laundry work and for preparing meals for prisoners being under the direction and control of Deputy Roberts, who is on duty inside, for the same period of time during which I serve. - In cleaning up the wings of the jail it is necessary for the cleaning force to go into the cells wings to do so, and this is done under the supervision of Deputy Roberts. The negro prisoner James Conley is lodged in cell wing "First North", there being no other prisoner lodged permanently in this cell wing. The meals are distributed by this prison help and the meals are sometimes carried to Conley by the trusty prisoners. The cooking and distribution of meals is under the supervision of Deputy Roberts. The cell wing in which negro women prisoners are located is on the "Third West". I knew Annie Maud Carter while she was a prisoner at the Fulton County Jail and her cell was located in "Third West". Annie Maud Carter was used by Deputy Roberts as a trusty, she being released by him from cell wing in the morning about 7:30 or 8 A.M. o'clock, She was used in laundry work and did most of her ironing on the fifth floor in what was called the medicine room. She was usually locked up by Deputy Allen when he came on duty about 3:30 p.m. I also knew Dr. George Wren. He is a white prisoner whom the prisoners and every one most around the jail called Dr. Wren. He was a trusty prisoner and was used by Dr. Hurt and the jail officials to hand out medicines and do any work for the sick while Dr. Hurt was not in actual attendance at the jail. I know his brothers who visited him at the jail quite often, among them was one named Jim Wren. Jim Wren came to see his brother, the prisoner, Dr. George Wren very often. I have seen Jim Wren go into

Mr. Frank's cell wing to see him. I have seen Jim Wren and a Mr. C.W. Burke come in there last week and they went into together to see Mr. Frank in his cell wing. I have seen Mr. Burke call Dr. George Wren off to one side and talk with him privately upon one occasion. I have seen Dr. George Wren visit Mr. Frank's cell very often. I have never seen Annie Maud Carter in Conley's cell wing and she has requested me to allow her to go into Conley's cell wing, but I told her that I would not allow her to do so, and if she was ever in there, it was without my knowledge and in direct disobedience to what I had told her. Oftentimes it is difficult to keep in touch with the entire building. I have to go to the upper floors at times and get out prisoners who have made bonds or to be sent to the gang or for other reasons, and it is impossible to know what is going on all the time on all floors. I kept Conley's cell wing door locked as often as possible, and the cleaning up force had to get in there from time to time, and the feeding force also, and I can not say positively that Annie Maud Carter was never in the cell wing of Conley, but if so, it was without my knowledge and against my orders. I have seen Dr. George Wren and Annie Maud Carter talking very frequently and generally up in the medicine room. I knew Frank Reese and Fred Perkerson, who were negro prisoners and who were used as trusty prisoners while they were there, or at least most of the time. I am acquainted with the general character of Annie Maud Carter; Her general character and reputation are bad and I would not believe her on oath.

JOHN L. HAYES, Sworn for the State. I reside at the Fulton County Jail and am working there in the capacity of Engineer at the County Jail. My work carries me all over the jail. I have been in this position constantly since April 1, 1913. I know James Conley. I knew Annie Maud Carter. She was released however each morning about seven o'clock for the purpose of her working on the laundry work, principally on the fifth floor in the medicine room, next to the hospital ward on the fifth floor. I knew George Wren, who was known at the jail as Dr. Wren because he helped the county Physician. He was also a trusty white prisoner. Wren slept in the hospital ward and his work carried him to the medicine room a great deal. I carried 150 keys to all cell wings. Mr. Bob Hardeman was also engaged with me at

times in looking over, inspecting and repairing the different sections of the jail. We kept our key downstairs in the Engineer's department and looked up. This key was used only by Chief Engineer Baves, Mr. Hardman and myself. I never saw Annie Maud Carter go into the cell wing of Jim Conley. Annie Maud Carter was under Deputy Roberts who released her for work and she stayed most of the time at this medicine room on the fifth floor, where she did most of her work. She was locked up about 3:30 P.M. when the inside guards make their changes, and Deputy Allen comes on duty usually. I have seen Dr. Wren and Annie Maud Carter very frequently alone in the medicine room. I have seen them talking together at this place. I knew Wren's work carried him to the medicine room and this Annie Maud Carter's work also carried her there. I know that they had plenty of opportunity to talk to each other as it is impossible for the inside deputies to actually know what is transpiring on each floor of the jail. Their duties carry them to all parts of the jail, generally looking after the cleaning up of the jail, the feeding and care of the prisoners and with the work of Wren and Annie Maud Carter throwing them together, it was impossible for me or other jail officials to check them up every minute during the day. I know that I never permitted Annie Maud Carter to enter Conley's cell wing and there was no way for her to have gotten the key to his cell wing. Annie Maud Carter was never in Conley's cell wing within my knowledge. I have seen George Wren up and around Frank's cell wing quite often and I have seen him in Frank's cell wing several times. I have also seen George Wren's brother, Jim Wren, visit him, but whether or not Jim Wren went to Mr. Frank's cell I do not know.

WILEY B. ROBERTS, Sworn for the State. I am a deputy sheriff, serving at the county jail from about 7 a.m. until about 3:30 p.m. each day. I have charge of the work of the cleaning of the jail and the feeding of the prisoners and looking after the inside of the jail generally. I have this work performed by persons who are serving jail sentences and who are in the nature of trustees and also by persons who are waiting trial and who volunteer to assist in this work, in order to have more liberty in the jail. I know James Conley, who is confined in a cell wing known as the first north, and no other person being lodged therein except Conley. I know Annie Maud Carter, who was a negro woman prisoner and who

was lodged in the cell wing known as the third west. While Annie Maud Carter was a prisoner at the jail or at least a portion of the time, I used Annie Maud Carter as a helper in laundry work, washing and ironing clothes. A portion of the time her work was upon the fourth floor, where the laundry was located, and a portion of the time upon the fifth floor, in what is generally known as the medicine room, in which she did a large portion of her ironing. I never saw Annie Maud Carter in the cell wing of James Conley, nor even at the door. We did our best to keep this cell wing door of Conley's locked at all times. It was necessary in the cleaning of the jail and in the feeding of Conley to allow trusty prisoners, under our supervision, to enter Conley's cell wing only long enough to discharge their duties, and then to leave this cell wing and the door was locked. All of these trustees used in Conley's cell wing were male trustees. Annie Maud Carter was never used in Conley's cell wing for any of this work, and to the best of my knowledge never entered Conley's cell wing, nor did I ever see her about the door. I did not ever see any notes pass between Conley and Annie Maud Carter, and never heard of any until within the last few days. We understood that there was specific orders to keep every one away from Conley's cell wing and we did our best to comply with this order. I knew George Wren, who was known as Dr. Wren, and who was a white trusty prisoner. He assisted Dr. Hurt the county physician, in caring for the sick at the jail, and for this work he was also used as a trusty prisoner. He slept in the ~~hosp~~ hospital on the fifth floor and got his medicines from the medicine room. I have seen him talk to Annie Maud Carter; I know Annie Maud Carter's general character and reputation while she was at the jail, and that general character and reputation was bad, and I would not believe her on oath. I know on no occasion for Annie Maud Carter being upon the first floor of the jail, as her work called for her to be on the fourth or fifth floor ordinarily. If she had any opportunity I never knew it, and I was constantly on duty during the hours I have named.

JOHN SHIELDS, Sworn for the State. I have been working since May, 1913, at the National Pencil Company. I know C.W. Burke and Jimmie Wren. Burke and Wren have been constantly around the National Pencil Factory for the last several months, working on the Frank case. Several times during the last two or three months Jimmie Wren has

been after me to make an affidavit for him that Jim Conley had been down on me, or had asked me to let him go down on me. I refused every time because it was a lie. Jimmie Wren said if I would do this, he would dress me up and send me to Cincinnati or anywhere else I wanted to go, and I told him I wouldn't do it, that there wasn't a word of truth in it. In talking to me, Jimmie Wren used the word "cock sucker." Since I have been at the factory, I have never heard anyone there say anything about Jim Conley ever having done anything of that kind. A few weeks ago, Jimmie Wren came to me and said: "I am in a hell of a fix, I have got to get something good, won't you know a negro woman I can get who will swear that Jim Conley went down on her?" and I told him I wouldn't do it, and that I didn't know of any negro woman.

Wren asked me if I would not get a negro woman who would swear that Conley

MAGGIE GUNTER, Sworn for the State. I am a cousin of Annie Maud Carter. I was at Ellen Sims' house when she was sick, and it was just after Annie Maud Carter got out of jail and we were talking to her and she told us that she knew James Conley and that she had talked with James Conley and had tried to get him to tell her about the murder of the little white girl, but she told us that Conley would not talk to her about it, except he told her that ^{he} did not kill the girl, that Mr. Frank had done that and that he would not discuss the case with her. That Conley ^{said he} had told the truth. I have known Annie Maud Carter all her life and I know her general reputation and character and the same are bad, and I would not believe her on oath.

went down on her

L. JACKSON, Sworn for the State. I am a Methodist preacher. I have known Annie Maud Carter and her mother, 6, 7 or 8 years. I am personally acquainted with the general character of Julia Carter, the mother Annie Maud Carter. Julia Carter is a good woman and has a good reputation. I am also well acquainted with the general character. I could not under any circumstances believe her on oath. She has been constantly in the courts for robbery, stealing and other crimes.

JACOB HARRIS, Sworn for the State. I have known Annie Maud Carter since she was about eight years old. I have lived close to her for several years and close to her kinspeople pretty much ever since I have known her. I know Annie Maud Carter's general character and reputation, and they are bad, I would not believe her on oath.

G. J. GRAHAM, Sworn for the State. I am an attorney at law. I have represented Annie Maud Carter in the Criminal Division of the Superior Court of Fulton County. I have had occasion to interview members of her race and people with whom she mingles and associates. I have heard a great deal of her among the white race. I know her general character and reputation; the same is very bad. I would not believe her on oath.

J. Y. DONALDSON, Sworn for the State. I know Annie Maud Carter and knew her when I was connected with the City Stockade as Quarry Foreman. I know her general character and reputation; the same is bad and I would not believe her on oath/

JULIA CARTER, Sworn for the State. I am the mother of Annie Maud Carter, who was recently in jail in Fulton County. I visited my daughter Annie Maud Carter twice a week while she was in the County Jail. I usually found her on the fifth or top floor where she was ironing ~~sk~~ in the medicine room. Sometimes I saw her sitting around on the first floor. While visiting my daughter, Annie Maud Carter, I also met a white man, whom the prisoners called Dr. Wren. I would often see him on the top floor. I have heard him talking to Annie Maud Carter about Jim Conley and Dr. Wren told her she ought to marry him Conley, that he was going to have plenty of money some day. I remember while I was there Dr. Wren brought her notes upon two occasions and he told her he brought them from Jim Conley. She read the notes to me, but there was nothing bad in them, and they were love notes. I do not know whether or not Conley wrote them, except what Dr. Wren said. I can not read myself very well and did not read the notes. I have since the last few days been trying to find my daughter and I have been to see a number of people whom I tried to find out from. I have been to see a Mr. Jacobs who runs a pawnshop on Decatur Street and he told me that she was in safe hands and would not be mistreated. I went to an office in the Fourth National Bank Building, and talked with some men in Mr. Haas' office. I understood them to be Mr. Haas, Mr. Arnold and Mr. Burns. I found this place by the direction of this Mr. Jacobs, who is a pawnbroker and Jew on Decatur Street, He showed me what office to go to. I told ~~him~~ them I was the mother of Annie Maud Carter and wanted to see my child, and they told me that whenever I got ready to go, they would get me a ticket and

would send me with some one to see her. I talked with Annie Maud Carter and she never told me that Conley had ever stated to her that he had killed the little girl. She told me that he said Mr. Frank had killed the girl. Since Annie Maud Carter was turned out of jail, about a month ago, she has been living at my house. On last Thursday, April 23, 1914 she left home. After she left home I met her accidentally uptown. I met her on Decatur Street. She has not been home since. Mr. J. Jacobs told me that she was taken good care of. He said that she came to him and told him about some men trying to trip her up and that she thought one of these men were Mr. Burns. He said that he had sent her to an office in the Fourth National Bank Building. I was told by my next door neighbors that they saw Annie Maud Carter at my house, Friday, April 24. I did not see her myself. I found that all of her clothes was gone. I know that she had something pawned at No. 120 Decatur Street, with said Jacobs. In an effort to locate my daughter I went to Burns' Detective Agency in the Healey Building. While there I talked to Herbert Haas. Mr. Haas told me yesterday, April 28th, that he would send me to her whenever I wanted to go. Mr. Haas told me today, Wednesday, April 29th, that he didn't know where my daughter was, but he would locate her and let me talk to her. He said he would not send me to her, because some of the city detectives or some of the men from Solicitor Dorsey's office would follow me. The attached letter upon which I have written my name came through due course of mail in the attached envelope. It came to my daughter Ruth Carter. I recognized the writing on the envelope and the writing in the letter. It is the handwriting of my daughter, Annie Maud Carter. My daughter married Joseph Griffin, and was at one time known, and passed under the name of Joseph Griffin.

(Attached to the above affidavit is an envelope addressed to "Miss Ruth Carter, in care of Mrs. Robert Campbell, living on Reed Street, Atlanta, Ga." The envelope is postmarked New Orleans, La., April 27, 1913, 12 P.M. The letter is as follows: "New Orleans Louisiana, This is where I am living, 314 Lower Line Street, April 27, 1914: My dear ~~farth~~ farther. I will write you to let you here from me and no where I am. Well I am in New Orleans for a while and I am going leave here for New York. I am working with Mr. William Burns so you no bye that what I am doing dont tell no one where I am keep that to your self tell amama the same and when you write dont call me Annie Maud Carter. Call me Mrs. Joseph Griffin. Give all my love this is my office No 314 Lower Line Street, New Orleans Louisiana. Be norther and farther.")

E. F. HOLLOWAY, Sworn for the State. (being portion of testimony given on the original trial) "On Monday morning I saw Conley. Instead of being upstairs where he ought to be, sweeping, he was down in the shipping room, watching the detectives, officers and reporters. I caught him washing his shirt. Looked like he tried to hide it from me. I took it up and looked at it carefully and looked like he didn't want me to look at it at all."

The State further introduced the original bill of indictment, verdict, sentence, motion for new trial and order granting new trial in the case of the State vs. Ed Williams and Annie Maud Carter.

The records shows an indictment for the theft of a gold watch and of Annie Carter Twenty dollars in money. A verdict of guilty, a sentence/of fifteen years in the penitentiary and an order granting a new trial on March 7, 1914.

The State further introduced the following telegram addressed to Charles A. Ison, o/o Reed House, Chattanooga, Tenn, "Take first train from Atlanta. (Signed) C.W. Burke."

Dated Atlanta Ga. April 6, 1914

The State further introduced the following transcript of the evidence of R.P. Barrett, given at the original trial:

"Did you or not find any hair anywhere there? A. I found the hair on a bench lathe, on the handle.
Q/How far was this hair, what kind of a handle was it on? A. It was in the shape of an "L".
Further on, ~~on page 507~~, the following questions were put by the State and answers given, viz:
Q-How was the hair caught in there? A. Swinging down like this (indicating ~~some of the details of the case~~)
Q. Was Miss Magnolia Somebody there? A. As near as I can remember, Miss Magnolia was there."
Counsel for the defense cross-examined said Barrett, and for some reason best known to them, did not ask him whether or not he could identify the hair found by him as that of Mary Phagan, but as is shown on p. 534, Vol. 2, contented themselves with asking him the questions following, to which they received the answers set out:
"Q. You called Mr. Quinn to see that? A. I called him.
Q. Were they long strings of hair or were they knotted and matted hairs? A/They were around my finger. I pulled the handle and they got around my finger." Quinn was a witness for the defendant on the main trial."

Kate Allen testified by affidavit as follows:

I am the wife of Aaron Allen. I now live at No. 9 Piedmont Ave. I am personally acquainted with Jake Jacobs, a man who runs a pawn shop at 120 Decatur street, Atlanta, Georgia. I personally know that my husband, Aaron Allen, has been pawning things with Jacobs at 120 Decatur street, Atlanta Georgia, for about two or three years. Sometime about six months or more ago, I have forgotten the exact time, Allen left Atlanta. He was sick in Indianapolis, and wrote me he wanted to come home. I lost the letter that he wrote me. Sometime about March 29th, I will not be certain about the date, but probably a month or two months ago, I took this letter and showed it to Jake Jacobs at 120 Decatur street, and told him I wanted to make some arrangements to get some money to bring Allen home. Jacobs told me that he would bring him home. I didn't have to pay him any money and I didn't have to pawn anything. I didn't ask him how he was going to bring him home or why, but I stated to him that if he brought Allen home I would see that he got his pay. I did not know anything more about the matter until I saw Allen on last Friday April 24th at about 12 o'clock.

Aaron Allen testified by affidavit as follows:

I am making this affidavit for use on the hearing of the extraordinary motion for new trial of Leo M. Frank. I am a negro, having been born in Alabama. I lived in Atlanta, Ga., off and on for the last nineteen years. I have done some work as a detective for the police officials of the City of Atlanta, and am well known to Chief Lanford. Mr. Harry Scott, the Pinkerton man, and Mr. John Black, city detective, put me soon after Mary Phagan was murdered into the cell with Newt Lee, and instructed me to do all I could to find out who murdered Mary Phagan. They wanted to know what Newt Lee knew, and told me that if Newt Lee was guilty they wanted to know it. They said to be mighty particular about everything I did or said because they wanted nothing but the truth and didn't want to swear anybody's life away.

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I left Atlanta of my free will and accord and went North. I was in Indianapolis, Indiana, for about six months sick. I was under the care of the city dispensary there, being unable to work, and was being cared for as a stranger. I have just this day been to see a doctor here in Atlanta. He tells me that I have consumption and that I cannot live long, and I promised him I would go to the Battle Hill Sanitarium.

A white man, who said that his name was "O'Neal" came to me in Indianapolis the 30th day of March, 1914, and said among other things, that he wanted me to go down to Chicago and catch a negro who was sleeping with some white woman and getting all of her money. He didn't call him a "negro" but called him "a colored gentleman". He also addressed me as "Mister Allen". I caught him in two or three mistakes but I knew I had done nothing so I told him I would go on to Chicago or anywhere else in the world he wanted me to go. I wanted to get away from where I was and wanted to come to Atlanta and had a ticket to Atlanta at that time. This man took my ticket away from me and I went with him to Chicago.

I remained in Chicago five days and was paid \$15.00 and all expenses. I was paid by somebody connected with the William J. Burns detective agency in that town. When I first got there this man sent me out to spend the night with a negro detective by the name of Bell. This man Bell had a wife who looked to me like a white woman. Though I would not say she was white woman I believe she was white. They told me to go to a certain place, but then somebody met me and told me that was the wrong place, and at last they brought me into the Transportation Building into the office of William J. Burns. I saw Mr. Burns' picture hanging on the wall, and I saw big offers of rewards. The rooms that I went into were on the 6th floor of the transportation building, and had the name of the Burns detective agency printed on the door. I didn't know what they wanted me for and I let them do most of the talking.

After I got up into the office I met William J. Burns himself. He put everybody else out of the room and this is about what occurred between us: He asked me did I know my wife wanted

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to see me and how I was feeling. He asked me did I know Mr. Jacobs of Atlanta. He asked me whether I was sick enough to have a doctor, if I was he would have one come in right away. I said "No, sir, not now". He went away just then and sent in Mr. Jake Jacobs, a man who keeps a pawn shop at 120 Decatur st., Atlanta, Ga. Mr. Jacobs shook hands with me and called me "Mr. Allen". (Mr. Burns called me Mr. Allen when he talked to me too.) I asked Mr. Jacobs: "Why do you call me Mr. Allen, now that you got up here too?" He told me I was in a different country, and I was just as much here as anybody else. I told him "Well, I knew that". He said my wife was wanting to see me mighty bad. Mr. Jacobs asked me: "Why did you leave Atlanta?" I said: "Why, Mr. Jacobs?" He said: "Your wife told me that the detectives all told her to keep Allen out of the city because they are wanting him here". How come you to leave Atlanta", he asked me again. "I left Atlanta of my free will", I told him Jacobs said: "You know you are lying. I am a good mind to knock you over from this table". I asked him "Why do you speak that way?" He answered, "Because you know you are lying. You were paid to go away from that place and you gave your wife \$35.00 to pay her rent with and you pawned your things to me the day you left". He said, "You know who gave you that money for you to leave town--- those city detectives---and you won't tell it because you are afraid of them. You don't have to go back down there. You are scared of them. How many times have I seen John Black say 'Come here, you black son of a bitch' and slap your jaws". I told him it wasn't true that I had not been paid anything to leave at all.

Before I finished talking with Mr. Jacobs, Mr. William J. Burns came in. He said at first: "Mr. Allen, the only thing we want of you is the truth and nothing but the truth. You know when you said that you didn't know any of the parties personally---Jim Conley or Leo Frank or Newt Lee---that you is absolutely lying. You know when you say that you had \$320 of your own honest, clean money, that you worked and shoveled and got hold of in Atlanta-- that you are a dam lie!

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His voice was loud. "Why, Mr. Jacobs says he has known you from five or six or ten years and never known you to have over \$20.000. Now, Mr. Allen I am sorry I said what I did but if you will you can state the truth and nothing but the truth, and that is what we want out of you". He didn't say the detectives gave me the money, then, but he said: "You know somebody gave you that money to leave town with and you are a liar every time you say they didn't do it".

When Mr. Jacobs left Mr. Burns had a talk with me privately. He asked me what did I know of the Mary Phagan case. I replied: "Mr. Burns, do you want me to tell you the truth or to tell you a story"? He said: "Mr. Allen we don't ask anybody to tell us lies, but the plain truth". He said: "Now, Mr. Allen go ahead, just state to me what you know about it". I replied again: "Mr. Burns, truth is the light, ain't it?" He said "Yes". I said: "I knows nothing at all about the lady getting killed, no more than I just heard". I says, "I was one time asked by Mr. Black, a city detective in Atlanta, Ga., and also Mr. Harry Scott, a Pinkerton man. I was charged to go down and get in the cell with Newt Lee and find out what Newt Lee had to say fully and in detail. I told him Newt said he was innocent. Then I went into detail and told him what happened about as follows:

"When I got in the cell with Newt Lee in the city of Atlanta, I was in there about 20 minutes, and I spoke to Newt Lee first. I asked him what was his trouble. He replied to me that he had no trouble whatever. I says "Why are you in here?"

He asked me had I knowed about the white lady had got killed at the pencil factory. I told him no, that I was a stranger in town. In order to get in with Newt Lee I told him a falsehood about killing a white man. Lee told me that he hadn't done nothing and that he was innocent. Lee told me that he knowed nothing in the world concerning what he was put in there for. I told him if I was him I would tell the truth, I wouldn't lay here in jail, I would tell just what I knowed about it. I said, "If you thought or knowed that white man

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killed this girl with you working there, and had you to help him do away with her, I would go up and tell the detectives so they would turn you out". He said, "Lord have mercy, hush, you are trying to get me in trouble, because I don't know nothing in the world about it, no more than I found the lady, and I hope and trust the Lord will show everybody on earth who killed her. The Lord knows and detectives will know some day just who killed the lady, because I am a innocent man". I asked Lee who he thought killed this lady, asked why they had to arrest ~~max~~ him, because he found her. He answered and told me he had no thoughts, and he didn't know, but he knowed one thing, that my boss, who was over me, he acted very strange. He told me to come back at half past three or four o'clock-- I have forgotten what it was, half past three or four- I did so, as he asked me to, and I come back, he told me I was just a few minutes early, or late (I forget which he said) but that was all right, and I did not begin work I could go on out in town and come back. Well, friend, I will say to you it looks mighty strange that Mr. Frank called me up about 7 or 8 o'clock, and asked me how was everything. He had never called me and asked me before. I thought that looked mighty suspicious and strange, but as to what I know, brother-friend I don't know nothing, I don't know nothing. If they hang me, or kill me, or turn me a loose, or do whatever they want to with me, it will be all right, because Lord knows, the detectives will know, everybody on earth will know that I know nothing concerning that lady getting killed". Newt Lee was taken out of the cell from me, and when he come back I asked him where had he been. He told me they had taken him and put in the cell with Mr. Frank. I say, "Well, partner, you better make it up in your mind to tell the truth and nothing but the truth, because these white folke kill and lynch a nigger, whether he is guilty or not. If I knowed who killed her I would sure say so. I am going to tell the truth in my case". He told me he didn't know. He said, "I'll tell you what did happen. Mr. Frank told me if I kept talking so much

until its going to get us both in trouble". I was then taken out of the cell with Newt Lee and had a talk with Mr. Black and chief Lanford and Mr. Scott, and told them all I knowed that Newt Lee said. They told me to go ahead "We will see you again, Allen; if we need you, we will let you knpw". I was then never asked any further questions any more in that case by none of the detectives or any of the officers until I was questioned by detective Wm. J. Burns, Mr. O'Neal, Mr. Jake Jacobs and Charley Isom, in the city of Chicago, Ill., April 2nd.

When I got through this statement, Mr. Burns asked me what was my opinion about the case altogether. I told him I had no fixed opinion about the case, that I knowed nothing concerning the case, that I wasn't implicated and never worked in the case but one night and half of a day. He asked me how much money was I promised to go down in the cell. I told him not any money was promised to me, that Mr. Black told me that he would see that I got paid for my work, but he had not paid me a penny up to that time.

After I had seen Burns the first time, and before I saw him the last time a negro boy who was called in the office of Mr. Burns, Mr. Bell, and who was one of Burns' men, told me that he wouldn't tell any story for Mr. Charley Isom or Mr. Jacobs or anybody on earth, if he was in my place. Bell told me ^{this} after I had had a talk with Charley Isom. I knew Charley Isom in Atlanta. After Burns talked to me the last time then Charley Isom came. I had been up to Burns's office going on the third day before Isom came. After I saw Burns the second time they turned me over to Isom. The following is what occurred between myself and Isom after I had been there about three days and had already seen Burns twice;

Mr. Isom met me and shaken hands with me and said he was glad to see me ~~and~~ called me "Mr. Allen". I asked him did he call me "Mr. Allen", and he said "Everybody puts the mister in this part of the country, so they say". He told me that he come after me and I would have to go with

him. After he had teased me along, he told me he was just teasing and joking with me, and he was going to tell me the facts and the truth, and he was working for Mr. Burns, and asked me why did I leave Atlanta. I told him I left there of my own free will. He says, "They all say around there that you was paid to leave Atlanta, two or three hundred dollars, is that the fact"? I told him, "No, sir". He said, "No need of lying to me. Me and you have been friends; I have done you plenty of favors, and you have done me some, how come you can't tell me the truth"? He says, "I don't want you to tell nothing but the truth. You know you was in the cell with Conley. We want you to tell the truth about being in the cell with Conley". I told him, no, I was not, I didn't know Conley, never had seen Conley. "Well", he says, "to make the story long and short, I'll tell you, Allen, let's get down to business. You know Jim Conley, and he has already got a year conviction, and that Jew is already convicted to break his neck, and between you and me I'll tell you what they heard down there, whether it's true or not, that you did find out from Conley in the cell, that he did tell you he killed that girl, and your statement was going to be against Conley, and they gave you three or four hundred dollars, and run you out of town. Is that true or not?" I told him, "No sir, ". He says, "Have you ever told the truth"? I told him yes. "Did you ever tell a lie"? I hemmed and hawed and finally I told him I had told funny tales, but when it come to swearing a man's life away I wouldn't like to tell a lie and no other science business". He told me, "Well, you have told a lie, and it didn't hurt you. I want you to tell this lie, but I am trying to show where, if you told all kind of lies in this case, it wouldn't hurt you but would get you money". He says, "It is a feather in your hat, would be a feather in my hat; probably you will have a job as long as you live with these people at the rate of \$120 or \$125 a month, and maybe I will, too. If I was you, I would go on and tell, because this man Frank aint never going to walk on

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the ground no more nohow, " says, "it is only just to save neck, that is all. Don't you know I know that that man never will come clear". He says, "why don't you just go ahead and make them feathers for me and for yourself and go ahead and ~~and~~ go back up the country if necessary. Make an affidavit and get hold of them feathers, and if you think it is wrong, go down there and change it. Conley made 5 or 6 changes, why can't you change them". I told him I would just be telling a lie, because I had never seen Conley in my life. "If I was to tell anything concerning Conley, I would be telling a story, because I have never seen him. " He says, "Is you going to do it?" Says, "Give me your hands". I says, "I will give you my hand. I am going to tell the truth".

So he left me, and Mr. Burns told me "Mr. Isom says that you are ready to tell the truth, and I am ready to talk with you". He called his stenographer and started off. When they got through dictating the matter he asked me, "What was you scared to talk about, why was you scared to talk? I thought you was going to tell me something, and here you come telling the same old story that was printed in the paper and we knowed all that before hand. Now, don't you know that you are scared of them city detectives. I know that every colored man in the South has got to be humble and stay in his place." Burns says to me, shaking his finger in my face, "You know something". This was after I had told him twice already and told Isom and told all of them up two or three different times during all the five days that I stayed there, that I didn't one thing in the world except what I know. He said I knowed something, and wouldn't tell him.

When I got ready to leave, Mr. Burns told me, shaking hands with me, that the only thing he regretted was, he had handled two hundred thousand colored men, since he had been in the detective business "and had never saw one what wouldnt tell the truth but you". I shaken his hand, and told him, "well, Mr. Burns, if I never see you no more, I hope some day that the Lord will show to you that I have told you the truth

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so far as I know, so help me God". He says, "That is all right, I believe you are honest and straight, but you have made an affidavit down in that part of the country, and you are scared to tell what you know. I would take care of you, but as it is- by- hope to see you again".

One day I was in one of the offices in Mr. Burns' place in the Transportation building, and there were several of Burns' men in there. They all went out and left me in there, and then they called me out into another room, and kept me for about 20 minutes, and then took me back in the big room. When I left that big room, there was no money in there that I saw. When I got back in that big room, there was nobody in there at all but myself, and I saw on the table some money, both greenbacks and silver. It was lying up on the table where I couldn't help but see it, and I was left alone in this room with this money about 20 minutes, and then a negro detective who called himself "Mr. Bell" came in. I did not touch the money and did not count it. I sat off and looked at that money and looked around and tried to see how much there was there, but I would not go near the table, because I thought somebody was looking at me. The paper money was stuck all around, and the silver money was poured up on top of it. It was not piled up, but just scattered like you had poured it out of a sack.

I sat down in the presence of William J. Burns and dictated myself, an affidavit, to his stenographer, and afterwards she brought it back to me and I read it over three times and signed it. I signed two pages, but there were four pages of dictation. I didn't put anything in that paper except the absolute truth, and if he has got any paper that he claims I signed, stating anything except just like I have stated it in this paper, it is absolutely untrue and they have changed it. If he put anything in that paper about me knowing anything about Conley it is false, I didn't say it. After I signed the paper Burns said to some of his men, I don't know who it was, there were so many around there, "you had better just

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pay Allen whatever he thinks he wants, or whatever Mr. O'Neal has promised him, and let him go on home, or wherever he wants to go, because he won't tell the truth nohow. He knows something that would do us some good, but he is scared to tell it. Then I left his office with Mr. Bell, and he took me to the depot and he told me on the way that he thought I was the wisest colored man he ever saw or met, in not telling no lies. He told me in the presence of Mr. Burns that if he was me he wouldn't tell no lies. Well, he buys me a ticket from Chicago to Indianapolis, Ind., and told me he wished I would get well and do well, and to always stick and tell the truth, that it would always be better for a colored man in the long run. He said he certainly was afraid that Mr. Isom and Mr. Jacobs was going to make me tell the wrong tale, and he said he was certainly glad that I didn't do it, and believed I had done my part, and I shook hands with him and told him good bye and got on the train, and I haven't heard any more from him.

I remained in Indianapolis two weeks or more, then I went to Cincinnati, and from Cincinnati I went back to Indianapolis, and then I come from Indianapolis to Atlanta.

After I got to Atlanta, Ga., the first man I saw who asked me anything about this case was Mr. Jacobs, before I reached home. He told me to come in, that he wanted to see me. He asked me if I wanted to stay here, or go where my brother was or go where my mother was, and didn't I think it was too low for me to stay at my wife's house in my condition and that I had better go somewhere to a higher climate, and I told him I didn't know, and he said, "well, I won't do for you to stay down there, it is too low", and he said "wait just a minute", and he called somebody over the 'phone. My house is within a block of the station house. Mr. Jacobs know where my wife lives, and he knew where I was going when I done this talking. I told Mr. Jacobs that I thought I would stay here until I got better, or maybe always, that I just went off for experience, and now I felt like I had seen as

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much as I wanted about that good country they claimed, and he said "it was not so good to you, was it, you went up there and got tuberculosis", and I said "no", and he said "but the people here take better care of you and I would advise you not to stay here, I think there is some trouble out about you but if you do get into any trouble come and see me. I went on home, and the next day I was coming up the street and I passed his shop, and the young man that worked there told me that Mr. Jacobs wanted to see me right away quick, and I told him all right, and Mr. Jacobs wasn't there, and he called up somebody in the Temple Court Building, and he said Mr. Jacobs told me to meet him at the steps, and I did so and he carried me to the Fourth National Bank Building on the 11th floor, and he kept me there about an hour in a private room, and he went away some place, I don't know where, and he told me Mr. Burns would be there in a minute, and wanted to see me, and to just tell Mr. Burns where I wanted to go and he would send me wherever I wanted to go. I waited and waited and waited and he didn't come back, and nobody called for me, and I was sick and needed air, and I goes out and catches the elevator, and a gentleman met me and says "are you the boy that was in the office" and I said "yes", and he said "Mr. Jacobs said to come to his place right away", and I went down there and he said, "Mr. Burns said that was all right, to stay here, he don't think he will need your affidavit for it isn't any good anyway".

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Yesterday, which was Monday April 27, 1914, I was standing on the corner of Piedmont avenue and Decatur sts., and Chief Lanford passed by me and he and I spoke about the same time, I told him howdy and he told me howdy, and he told me as soon as I had time to come down to his office that he wanted to see me. I goes down to his office in the afternoon, about three o'clock, and he and I had a private talk in his office, and he asked me if I was ever in Chicago and I told him yes sir, and he asked me had I ever made an affidavit to Mr. Burns and I told him yes sir, and he said well I heard

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that, but I didn't know how true it was, I know I never missed you until a day or two back, some of them were saying something about you and I thought you were in town", and I said "Yes, I went off on an experience and had bad luck, got tuberculosis in that country, and he said, "Allen, go ahead and come back here about six o'clock Mr. Black wants to see you", and I goes to the hospital for an examination and when I got back the chief told me I was too late, and I told him I had to go to the hospital and was examined, and then he told Mr. Starnes and Mr. Campbell to take me in a private room and he will tell you all about what happened in Chicago. They did so and I told them all that I knew or could think of that was true. After I stated to them everything I knew, Mr. Starnes told me that the only thing he wanted was nothing but the truth and also Mr. Campbell said the same, and that it was hardly necessary to go over things that were not true, the only thing he wanted was the truth and nothing but the truth. Mr. Starnes told me if I could so arrange to meet him at the station house the next morning at 8 o'clock or ~~past~~ *half* past 8, and I told him I thought I could if I wasn't sick, and if I was able I would be there sure, and he said all right, if you are sick and can't come I will come to your house. But I come down there and met Mr. Starnes and Mr. Campbell and Mr. Black and Mr. Starnes told me to come in there and we could fix it up right away, get Mr. Febuary to take it down, and Mr. Black told Mr. Starnes he thought it would be wise to take me to Mr. Dorsey's office, and Mr. Starnes asked me if I would go to Mr. Dorsey's office, and I told him I would. I went over to the Solicitor General's office and this affidavit was taken down nearly all of it being dictated by myself. I have read the same over carefully and have signed my name on each and every page hereof, and the same is true in every respect.

13.
C. A. Isom testified by affidavit as follows:

I am personally acquainted with Jimmie Wren, who is in the employ of C. W. Burke, and he is the brother of George Wren, who has recently finished a jail sentence of 12 months for simple larceny (stealing \$50,000.00 worth of diamonds from an express wagon) and I am also personally acquainted with George Wren. I have seen Jimmie and George Wren with C. W. Burke on several occasions, in front of the Grant Bldg., in which Mr. L. Z. Rosser's office is located, who is an attorney for Leo M. Frank. I saw Mr. Burke come out of the building and talk with Jimmie and George Wren, and I have seen them together at other times, one time in front of the Fourth National Bank Building, in which Attorney Haas' office is located. I know that Jimmie Wren is working for C. W. Burke, but I don't know whether George Wren is working for him or not, but I see the two boys together a good deal.

Nellie Wood testified by affidavit as follows:

I live at No. 8 Essie Avenue. I have been a trained nurse, and have just finished a course at a millinery school 94-1/2 Whitehall St. At this particular time I am not doing anything.

I have read over from Vol. 7, beginning at p. 3418, what transpired in the court room when I was tendered as a witness by the State. The whole transaction is as follows:

MISS NELLIE WOOD, Called in behalf of the State,

DIRECT EXAMINATION,

BY MR. DORSEY:

Mr. Dorsey: I want to show by this witness the general character; second, I want to prove a specific incident that occurred between her and Frank, in his office, that he made her an indecent proposal, and she was working in the pencil factory at the time, and I submit it is material, because they have proven and undertaken to set up that no such proposal was ever made. This is in rebuttal of his statement.

Mr. Rosser: Your Honor let in certain statements over

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our objections, Conley spoke about some girls on the fourth floor, and we had a right to go into it and see what girls on the fourth floor; but are we going to try four or five different fornication cases now? Let's settle it right now, Your Honor.

Mr. Dorsey: They have asked certain witnesses if they had been to Frank's office on Saturday afternoon and Frank and did anything immoral. Now, if they can put that in, why can't we go on with this witness and show that such things did occur with this witness?

The Court: That came in without any objection, and came in absolutely in rebuttal of something that you had gotten in there, that they sought to rule out, - a piece of evidence Conley testified to, - and if it had been objected to at the beginning, I think I would have been compelled to have ruled it out, but I thought, inasmuch as they had cross examined Conley on it for a day or so, it was right to let it in.

Mr. Dorsey: Isn't it right for me to take this question and substituting the word "Mrs. Small", and say, "Miss Wood, you are a lady that worked on the fourth floor of the National Pencil Company two days, I'm going to ask you a question that they, the defendant's counsel have asked every lady that worked on that floor, so they say, 'Have you ever been down in Mr. Frank's office after hours drinking or doing anything immoral, at any time in that factory', and then can't I add, "or did Frank propose anything?"

The Court: To my mind, it isn't debatable at all.

Mr. Dorsey: Then we are absolutely shut out.

The Court: Well, I don't care, then the law shuts you out, if that's the case. According to that, you could put up everybody here and prove anything else he has ever done in his lifetime.

Mr. Dorsey: Now, they wanted it all covered at the same time. Now, haven't I got a right to show by a witness that worked at the National Pencil Company, the situation that she saw Frank in with a woman there?

The Court: I don't know, it's a good deal owing to what it shows.

Mr. Rosser: He means showing an immoral act on his part.

Mr. Dorsey: I am simply illustrating--have we got a right to show or not what this man did to girls when he went through the factory slapping them and all that?

The Court: I don't know about that, if it's relevant to this case, you could do it.

Mr. Arnold: Relevant to this case, what some other woman did?

The Court: When you put up these witnesses and prove bad character, then they can go into that and ask what makes up that bad character, - what have you heard, and so on. Now, he never said anything about any immorality except to dispute what Jim Conley had testified to, he didn't say a word, as I remember it, about the general proposition, he simply denied what Jim Conley had said about those things. I'll let you show by this woman or any other person, bad character on the part of this man, - but no specific acts or any specific crimes. That's the law.

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MISS NELLIE WOOD, Witness for prosecution in rebuttal, was then sworn.

DIRECT EXAMINATION.

Questions by Mr. Dorsey:

Q. What is your name? A. Nellie Wood.

Q. Miss Wood, where do you live? A. Live in Ormewood Park.

Q. Are you acquainted with the general character of Leo M. Frank? A. No sir, not knowing him but two days. I didn't know him but two days.

Q. That's what people say about him, general character, what people say about him, that is prior to April 26th, 1913.

Were you acquainted with the general character of Leo M. Frank? A. I am not positive about it.

Q. Just answer the question, yes or no, whether much or little

(Mr. Arnold:--Now, if the Court please, she says she didn't know it.

Mr. Dorsey:-- She hasn't answered the question yet.)

Q. Are you acquainted with the general character of Leo M. Frank? A. No sir, I only knew him two days. No sir, I do not know it.

Q. Miss Wood, you had a conversation-----

(Mr. Arnold: Now I object to that, Your Honor.

Mr. Dorsey:-- I have been misled by the witness.

I told the Solicitor-General before he put me on the stand that I was in the office of Leo M. Frank on one occasion when the said Frank made an indecent proposal to me. My experience as a trained nurse enabled me to fully understand and know what the said Frank intended. His language to me on that occasion was about as follows:

He said, "You know I am not like other people", and drew his chair closer up to me; says, "I don't think you will understand me", and put his hands on me, and I resisted and got up and opened the door. He said, well he wasn't going to hurt me anyway, says, "You don't understand what I mean", and then he tried to pacify me, and convince me that he didn't mean it the way I had taken it.

Soon after I appeared as a witness on the trial of the case of the State vs. Leo M. Frank, some man, whose name I do not now know, came to see me. Afterwards C. W. Burke came to see me. The first man who came to see me came in an automobile which I recognized to be the same automobile that C. W. Burke visited me in. C. W. Burke did not himself ever offer me any money to swear for Leo M. Frank, but the first man who approached me, the man who came in the automobile in which C.

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W. Burke came, did make me a proposition to pay me money if I would swear to certain things in favor of Leo M. Frank. C. W. Burke afterwards came to see me and told me that the court had ruled out my evidence, and insisted that I should give him an affidavit. I gave him an affidavit, which stated that I personally knew nothing about Leo M. Frank prior to the murder, except as to what occurred between me and him in his private office. This occurrence, which I have heretofore referred to in this affidavit, occurred at a time when nobody was present in his office except Leo M. Frank and myself.

I have no interest at all in the case of the State vs. Leo M. Frank, and it has embarrassed me to relate what I have in this affidavit with reference to Leo M. Frank's department to me when I was in his private office. That part of this affidavit was dictated by me personally to a lady stenographer.

W. J. Laney testified by affidavit as follows:

I, W. J. Laney, do solemnly swear that I have carefully examined the brief of evidence, in the case of Leo M. Frank, plaintiff in error, vs. the State, defendant in error, now of file in the office of the Clerk of the Supreme Court of Georgia, and I find that said brief shows that on the trial of said case in the Supreme Court, the State introduced the following witnesses, to-wot:

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|----------------------|-------------------------|----------------------|
| Anderson, W.E. | Gantt, J.M. | Mangum, C.W. |
| Barrett, R.P. | Ghesling, W.H. | Parry, H.L. |
| Beavers, J.L. | Grice, L.O. | Rogers, W.W. |
| Black, John R. | Harris, Dr. H.F., | Rosser, S.L. |
| Coleman, Mrs. J.W. | Haslett, B.B. | Scott, Harry, |
| Conley, James, | Hicks, Miss Grace, | Smith, Dr. Claude, |
| Dalton, C.B. | Holloway, E.F. | Stanford, Mell. |
| Darley, N.V. | Hurt, Dr. J.W. | Starnes, J.N. |
| Dobbs, L.S. | Jefferson, Mrs. Geo. W. | Stever, Miss Monteen |
| Epps, Geo. | Lassiter, R.M. | Waggoner, R.L. |
| February, G.C. | Lee, Newt, | White, Mrs. J.A. |
| Ferguson, Miss Helan | McKnight, Albert, | |

Said Brief of Evidence shows, that after introducing the above named witnesses, the State rested.

Said Brief of Evidence shows that the State introduced in said trial, the following witnesses in rebuttal, to-wot:

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|-----------------------|----------------------|----------------------|
| Ballard, N.J. | Graham, B.K. | McGinnis, C.B. |
| Born, J.T., | Griffin, Miss Maggie | McKnight, Albert, |
| Boyce, Leon, | Gordon, Geo. | McEwing, J.C. |
| Benedict, Dr.S.C. | Hale, W.C. | McCoy, M.E. |
| Caldwell, M.G., | Heifner, F.P. | Niles, Dr.G.M. |
| Carst, Miss Marie, | Hunt, A.W. | Owens, W.B. |
| Carson, Miss Rebecca, | Hendricks, J.H. | Patrick, W.C. |
| Cato, Miss Myrtle, | Hewell, Miss Dewey, | Pettis, Miss Nellie |
| Craven, R.L., | Hoffman, Henry, | Pickett, E.H. |
| Cook, W. M. | Hollis, W.T. | Reed, J.D. |
| Carr, Henry, | Hearn, J.T. | Robinson, Miss Ruth, |
| Coleman, J.W., | Houston, A.B. | Rogers, W.W. |
| Davis, Miss Mary, | Ingram, L. | Rice, J.S. |
| Dobbs, Sergeant L.S. | Johnson, Dr.Clarence | Scott, Harry |
| Dobbs, W.C., | Johnson, Mrs.H.R. | Smith, Len. |
| Donegan, Mrs.D. | Johnson, R.V. | Smith, Miss Carrie |
| Duffy, J.E. | Jones, Ivy | Starnes, J. N. |
| Epps, Vera, | Kendley, Geo. | Tillander, C. |
| Elder, W.J. | Kendrick, L.T. | Turner, W.E. |
| Floyd, J.R. | Kelley, N. | Wallace, Mrs.Mary E |
| Funk, Dr.John | Kitchens, Miss Mamie | Winkle, Miss Estelle |
| Gant, J.M. | Matthews, W.M. | Wright, W.M. |
| Goddard, R.M. | Maynard, C.J. | |
| Goddard, A.L. | Merk, W.P. | |

Of said list of witnesses introduced in rebuttal by the State the following were "character witnesses", who testified to the bad character of the defendant, Leo M. Frank, to-wit

- | | | |
|-------------------|---------------------|---------------------|
| Miss Myrtle Cato. | Maggie Griffin, | Mrs. C. D. Donegan, |
| Mrs.H.R. Johnson, | Miss Marie Carst, | Miss Nellie Pettis, |
| Mary Davis, | Mrs. Mary E.Wallace | Estelle Winkle. |
| Carrie Smith. | | |

Deponent does not construe certain witnesses who testified to specific acts of the defenant, reflecting on his character as "character witnesses".

I have also carefully examined a document handed me by Mr. Hugh M. Dorsey purporting to be a copy of the Extraordinary Motion for New Trial filed by the defendant Leo M. Frank. In said motion it is alleged that the following witnesses, introduced at said trial have repudiated their testimony, or certain material parts thereof, to-wit:

- | | | |
|-------------------------|--------------------|-------------------|
| Albert McKnight, | Miss Dewey Hewell, | Miss Ruth Roberts |
| Miss Mamie Kitchens, | C. B. Dalton, | J. E. Duffey. |
| Miss Marie Karst(Carst) | Ivy Jones, | |

Of said list of witnesses, who are alleged to have repudiated their testimony delivered on said trial, only one to-wit:

Miss Marie Karst (Carst)

was a "character witness".

The following is a numerical summary of the foregoing list of witnesses:

18

Total introduced by State-----99-----Total alleged to have repudiated-----8-----

Character witness introduced by the State-----10-- Character witnesses alleged to have repudiated testimony----- 1

Deponent further says that he is an attorney at law, and has been practicing at the Atlanta bar about seven years.

The State further introduced the following transcript of the testimony of Miss Grace Hicks as given at the original trial:

"Q.How did you know that that was Mary Phagan? A.I just knowed her by her hair being so long. Q.Knew her by her hair? A. Yes sir. On cross examination counsel for the defendant asked said witness, among others,the following questions,and received the following answers,viz: "Miss Grace,what sort of hair did little Mary Phagan have? A. Well she had a kind of sandy color of hair. Q.Was it lighter than yours or less light? A. It was darker than mine. Q.Darker than your hair? A. Yes sir. Q.Much darker? A.Well,it was about two shades darker than mine. Q. You would say about two shades;she was still a blond girl, though? A. Yes sir."

The State further introduced the following transcript of the testimony of Miss Magnolia Kennedy as given at the original trial:

"Q.Did you discover any hair on there anywhere,identify any hair? A. Mr.Barrett called me and showed me the hair at the machine. Q.And you identified it,didn't you? A. Yes sir. Q.Whose hair was it? A. It looked like Mary's hair. Q. Where was it when you saw it? A.It was on the lathing machine. On page 2253 of said record,these cross questions were asked and these answers given: Q.Now,what was the color of Mary's hair,and what was the color of this hair you found there? A.Mary's hair was a light brown,kind of a sandy color. Q. Was this light brown that you found? A. Yes sir."

The State further introduced the following statement made by Frank's attorney at the original trial in the examination of the witness Miss Corinthia Hall:

"Now I will ask you a question that I am asking every lady who works on the 4th floor,- Did you ever meet Mr.Frank at the factory,or at any time or place for any immoral purpose?"

and the question asked by Frank's attorneys of the witness Miss Ida Hayes: "Now I am going to ask you a question that I am asking every lady who works on the 4th floor, - Did you ever at any time or place meet Mr.Frank for any immoral purpose down at that office,or anywhere else?"

Nellie Wood testified orally before the Court as follows:

I am the Nellie Wood who worked at the National Pencil Factory. Worked there two days. I quit because Frank insulted me. I don't remember just what he did say, but I didn't like it. I do not care to go into details of what he said and did if it is not necessary. This man, L. P. Eubanks called me up over the phone and asked to speak to me. I says, "This is her". He says, "This is Mr. Eubanks". I says, "I don't know anything about any Eubanks". He says, "You would if you saw me", he said he wanted to see me, but wouldn't tell me what his business. I says, "My little brother is sick now and I cannot talk to you on business. You can come out to my place. I knew I had went on some people's bonds. I didn't know whp in the world it could be. I asked him what his business was, what he wanted with me. He said, "I will tell you when I come out, I don't care to tellyou over the phone". He come out, he come there, the doctor was there and my father and everybody. I didn't know what he wanted to talk to me about, I thought maybe he wanted to tell me about somebody in trouble. I says, "I can not talk to you this afternoon". He says, "It won't take but a few minutes to tellyou what I want to know". He says, "If you care to you can come out and take a ride in the car"? He says, "It will not take more than fifteen minutes". I wasn't dressed to go out and he says, "You can put on your coat and come". I put on my coat and come on out and got in the car and as he was driving around he asked me if I remembered a sensational trial here in Atlanta. I says, "What do you mean?" He says, "The Frank case". I says, "Yes". He says, "What do you know about it?" I says, "Very little, why?" And he just dropped it. He says, "I want to make an appointment with you to talk with a party about it". I says, "The baby is sick and I can not leave home, but for a few minutes at a time". He said he wanted to make an appointment. He said he had a man who would come out the next day and talk to me about it. I told him the next day I had to go to the doctor and to meet me at the car, and he did and a man

named Mr. Burke was there and Mr. Burke didn't tell me anything and Mr. Burke and Mr. Eubanks asked me up to Mr. Burke's office, and asked me what I knew about the case, and I says, "I don't know anything at all." Eubanks told me I could make some money if I went to work on the case for them; that I was a working girl and needed the money, and I told him that I could not do it; that I didn't know anything about it. He didn't state any amount that he would pay me. Mr. Eubanks was the man that came in Burke's car. He told me he worked at the Southern Railroad. I am engaged to be married. This talk about my walking up and down Decatur Street is ain't true, it is scandalous, it has just ruined me. I lived right around the corner on Daniel Street, for a while and the negroes got in that section in the property around there, and we moved, we sold our place and bought another one. The only way he knew me he seen me on the streets there going home, and he didn't know me by name even, and didn't know me only that somebody may have gossiped around. I didn't know his name or anything. I testified before the Coroner's jury I told them everything I knew about Frank. I have never been arrested or in the police station. Only I was down there as a witness. I live on Pulliam Street, with my mother and father. Before that I lived at Ommewood Park. Before that I lived on Corput Street with my mother and father. Before that, near the Fulton Bag and Cotton Mills, where we lived six or seven years. I went on bond at police court to please a friend of mine two or three years ago. I went on the bond of a man named Ward, He was charged with seduction. He was a very dear friend of a lady friend of mine, and she wanted me to go on the bond. I am a milliner. I just learned and I stopped off for the purpose of getting married. Before I studied to be a milliner, I was a telephone operator. I never did anything disrespectable.

I. B. EUBANKS, Sworn for the State. I know J.E. Duffy, I have loaned J.E. Duffy money recently and have notes for same. I have the notes with me. I know C.E. Burke. I am the L.P. Eubanks who was a witness against Mell Arnold and Duffy and several other people, prosecutions for car robbery in the Superior Court. I was working for the Southern Railroad at the time. I never worked for C.W. Burke. I was present at a conference between Burke, Mell Arnold,

J.E. Duffy, and Burke's chauffeur, Lynn at myself at my house. No money was given Duffy at that time. I made him loans on April 4 and April 11th. I loaned Duffy money when he worked under me at the Southern Railroad in the year 1910 and 1911 and at various times I loaned him small amounts of money. I think \$3.60 was the greatest amount I had ever loaned him prior to that time. He got the money at three different times. He got \$5.00 at one time and then on May 4th, I put that on a note of \$10.00 I let him have and on May 11th I put it on a note with \$10.00 and let him give one note for it \$25.00. I said May a minute ago and that should have been April of this year. He made an affidavit on December 11, 1913, and I never loaned him any money at all, in fact until April 4, 1914. I did not give him one cent at that time. It must have been 7:00 o'clock when the parties met at my house. I never let Duffy have any money at all that night we met at my house. That was on December 11, 1913. He made an affidavit for G.W. Burke and on April 4, 1914, I let him have the first money I ever let him have since long before this trouble in 1912. I did not tell him he would never have to pay it back. I did not make such a statement to Duffy's father. Old man Duffy came over there to the railroad to my place of business - - I went to see Nellie Wood about the 25th of January, 1914. I know she was a witness for the State/against Leo M. Frank. I went in in the case G.W. Burke's automobile, and I went at his instance. Burke asked me to go there, he said he didn't know her himself, and I did. I had been a foreman out there for the Southern Road at Decatur Street for a long time and everybody knew of Nell drifting up and down Decatur Street. I never had anything to do with her. I think she is a woman of bad character. I can give names as to who said she was a bad character, a fellow named Bishop. He was not one of the men indicted in that crowd. His initials are J.E. Bishop and is not related to B.B. She told me that, while I was talking to her, that anything and everything would be all right, in connection with what she was doing. If telling me would mean I did know, I do know of my own knowledge. Anybody down there who will say anything about her will talk of her general bad character. Bishop can be found on Decatur Street. He is working there for the Southern Road as car inspector. He is in my office there all the time.

He did not make an affidavit in the Frank case for me. He told me he gave her a dozen bottles of beer one night and she was to meet him and he said she went off and never came back. He was not asked to make an affidavit. I was not talking to him about the Frank case, I was talking about Nell Wood. I brought up the subject. We talk about all these kind of characters, you know, down there. I was not making any investigation for C.W.Burke at that time. Mr. CROSS EXAMINATION.
~~Answer~~ I have never talked to Mr.Arnold or to Mr.Rosser about this case at all. I went to an office and said a few words to Mr.Has about this case yesterday. Burke was at that time and prior to that time, under-taking to have some of the boys reinstated with the Southern Road and had been mixed ~~up~~ up in some cases and he had been working on Mell Arnold's case and while he hadn't gone back to work, he was promised the first opening that would come up. He went back to work on January 1, of this year. Burke was down there one day talking about that and he made the remark to me "I want to see Duffy too". I naturally supposed he wanted to see him about going back to work. Mr.Burke and everybody else knew I was not interested in the Frank case and did not care anything about it. He asked me where he was going and about going out to see him. I told him he was working at Kamper~~s~~. He says "I can not get hold of him for some cause or other. Can't you get ^{him} him?" I told/I will ask Arnold to go out there and catch him and get him to come to my house tonight. Burke says "I would not like to go all the way out to where he lives. I told him he put up right down below me and I had no objection to his coming out to my house and I know he(Duffy) will come, as I know he is anxious to get back to work at the Southern Railroad. Arnold went and found him and told me that he said he would be there at 7:30. I went to the telephone and told him that Duffy had consented and was even anxious to come and he came and Mr.Burke did too. Arnold, Lynn, Burke and myself were there too. Arnold and Duffy had been charged with car robbery and indicted for it. I guess Duffy's case has been disposed of. I understood it was not pressed. As to what occurred at my house, we all went in the room there and sat down by the fire and talked along for awhile. We always felt pretty friendly towards one another. We hung around Burke's office nearly a year off and one and he has always made us

welcome. After a while, Mr. Burke commenced talking about the Frank case and he presented his theory of the case and told Duffy, "I want, if you have not already told the truth, or if you have, I want to get an affidavit from you". They discussed it on for awhile and Duffy agreed to make the affidavit, and they discussed the point of the possibility or probability of blood dropping on the floor, and then there was something mentioned about \$7.60 paid for court costs and I remember those things as having been gone over prior to the making of the affidavit. After the affidavit was made, and before it was signed, I heard Burke reading it over to Duffy and Duffy signed it. Burke did not ask anything but the truth. I was there all the time. The statement was the boy's own statement, according to the way he made it, voluntarily. He said it was absolutely true and he repeated that and asserted it positively and he was glad to do it for nothing. Burke did not threaten him in any way. I have not been riding in the automobile with Duffy recently.

WM. J. BURNS, Sworn for the State (by deposition). I am employed to investigate the Mary Phagan murder. I was first employed by Leonard Haas and Mr. Herbert Haas, attorneys for Leo M. Frank. There is still some money due me. There was a contract in writing. There was no stipulation as to my being paid more in the event I should report a certain way. There was not to be a particle of difference. My understanding was that I was to make my own investigation and find out the facts. I have been in conferences with Frank frequently. I concluded after the ~~time first time I saw~~ first time I saw him that he was no pervert. I talked with him many times, and my opinion was strengthened each time. A man will indicate in his looks or his actions that he is no pervert, or is. I have made a close study of human nature for many years and I have dealt with all classes of people. In view of the fact that I have ~~many~~ ^{many} times arrested men who were considered perverts, I consider my opinion, formed on personal conferences and my knowledge of human nature, accurate and trustworthy. I did not have any personal conferences with James Conley. I should say after reading the letters, that I felt sure Conley wrote, and after examining the clothing of little Mary Phagan, I gave it as my positive opinion that Conley was a per-

vert. As to ~~how~~ how I know Conley wrote those letters, I have examined the writing of the letters you are referring to and what is known as the "murder notes". I would not say that I am a handwriting expert, but there are many characteristics in the writing of the murder notes which show very plainly in the notes written to Annie Maud Carter. My definition of "pervert" as applied to Frank or Conley, there are many phases of the pervert. The sexual pervert is a man who satisfies his sexual passion in an unnatural way. Considering Conley in connection with the letters, I would call him a fiendish pervert, that is, a man whose sexual passion is such that he would commit murder in order to satisfy it, in an unnatural way. You might take that term, it might take that turn, it might take a natural turn. He would be a pervert if it took the natural way. There are various phases of the pervert. The man who mutilates the person and is a pervert in the definition I gave is not usually a man of ignorance or a man of education, he might be a very cunning man. It is a crime of both the educated and uneducated. In my opinion, after reading those letters, I would say Conley satiated himself in an unnatural way. Mr. Smith, attorney for Conley, gave me opportunity to see Conley whenever I wished, in his presence. I didn't avail myself of that privilege because I didn't think I would have the opportunity of talking with Conley in the way I wanted with the restrictions there were ~~thrown~~ thrown about him. There is a man named Adams who works for me, also Botts Rogers. Charles Isom is not on my payroll. He was not in Chicago with me. He came to my office in Chicago. He came to see a negro by the name of Aaron Allen. He came there with my knowledge and consent. It is not true that I had Isom there for the purpose of getting a statement from Allen after I had interviewed Allen myself for three days. I didn't send for Isom at all, I received a telegram from here that a man by the name of Isom was coming on there. I think the telegram was from Mr. Herbert Haas. Mr. Jake Haas was there at the same time with Aaron Allen / I have ^{a man} named O'Neal in my employ in Indianapolis. The negro didn't look very well, but I don't remember his being very sick. He could go around. I interviewed him twice. I did not hear from Isom when he interviewed Aaron Allen. He was sent on from here. They said Mr. Isom knew him

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I didn't get a statement from Aaron Allen which amounted to ~~my~~ much. I never made any statement to Isom that I couldn't get anything from Aaron Allen I wanted. Isom didn't make any report to me. I told him he told me about being put into a cell with Newt Lee and about Newt Lee telling him he was innocent and then of a white man being put in the next cell and Newt Lee ~~being~~ being placed there with him and overhearing the white man say "If you don't keep your mouth shut, you will get us all in trouble" and that the white man was brought back into the cell with Aaron Allen and he reported to Aaron Allen this same thing. I know Mr. Hopkins was there about the same time Allen and Isom were there and got the affidavit. J. Jacobs was there about the same time. I don't know anything about Jacobs' swearing to the good character of Annie Maud Carter, who gave these notes to you. I didn't hardly say anything to the fellow Aaron Allen. I didn't curse him, nor abuse him. No such thing ever happened as some money being put out on a table in the room where Aaron Allen was, where he could see it, and nobody else in there. I didn't pay Allen anything. I didn't authorize O'Neal to tell Allen he wanted him over there to do some work in connection with catching some negro who was sleeping with some white woman. I didn't take Aaron Allen from Indianapolis to Chicago at all, I didn't know he was there at all. He was not detained there at all. I don't know any negro detective there by the name of Bell. I don't know that Charles Isom was paid \$100. through my agency to go up there and get that Negro Aaron Allen and get from him a statement favorable to Frank. I never heard tell of it. I think Jacobs stayed there a day or two. Charles C. Tedder is not employed by me. I think he was employed by Mr. Lehon. I don't know how long Tedder had been drawing pay from my agency here. I don't know a thing in the world about Tedder being on the pay roll of the Wm. J. Burns Detective Agency. He didn't work on the Frank case that I know of. He worked on the Conley case, you might say. I am employed to work on the Frank case and the Conley case, everything connected with the Mary Phagan murder. I did not put Tedder to work on anything anywhere. I don't know what Lehon did. Lehon doesn't

181 make reports to me. He is manager of the Southern Office here and

also conducts the New Orleans office. He is making investigation into the Frank case and Conley case and the Mary Phagan murder like me and getting angles over the country. He does not report to me in writing. He sometimes reports to me verbally. I do not get all the reports eventually and ultimately from all men working on this case. Mr. Sears has charge of them. Mr. Sears and Mr. Haas get them. Mr. Sears is just the local man here. I do not get, either verbally or in writing full and complete reports as to the investigation going on. These matters are not reported to Frank's counsel before they come to me, they come to our office first, they should. I am not the man who makes the reports to Frank's attorneys. They report to Mr. Lehon and Mr. Haas. The purpose and object in dividing it up and my object in making subordinate reports to these men is so that they will know everything that is going on. I visited Mr. Wm. M. Smith in company with Mr. Dan Lehon some week or ten days ago, about eight o'clock in the morning. I knew that Carlton C. Tedder was reporting to Mr. Lehon at that time. Yes, I asked Mr. Smith if he trusted Mr. Tedder implicitly on that occasion. I wanted to know whether or not he was frank with us in stating he would get some facts or gather some facts in connection with Conley. I was not anxious to convict Conley and save Frank, not if Conley was innocent. I could not tell exactly when I first came into possession of facts with reference to this Ragsdale matter. The first time I ever heard of it, Mr. Lehon spoke to me about it. He stated that there was a preacher, and he was back in the alley, and when he got this far I stopped him. I didn't want to hear about any more people being in the alleys. Yes, I had sufficient of that, back of the pencil factory. I had a man in Chicago, who claimed to have picked up ~~in~~ a pocket book and memorandum book back in the alley of the National Pencil factory. I forget his name. He said he was a Salvation Army man. I did not get his affidavit. Mr. Hopkins, I think took an affidavit from him. I guess it is in the possession of somebody here in Atlanta. I heard so many alley propositions, there just have been three or four hundred propositions, I got disgusted. I didn't find them anywhere, either in Chicago, New York or Atlanta. The operatives kept telling me about them. Mr. Lehon and I were continually joking about the number of men who were down in the alley. Yes, I talked

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to this fellow in Chicago, that picked up some books or things in the alley. He showed me a memorandum book and told me about it that certain writing was in the book when he got it. I examined it, and concluded it was not Conley's writing and told him so and that ended it, so far as I was concerned. I thought it was his own writing. He also had a pocket book. I never made the statement in my life that I had that pocket book in my possession. I have no pocket book or purse that any one claims to have belonged to Mary Phagan? I have no mesh bag. I never authorized the statement in any newspaper to that effect that I had it. I never at any time made any claim that I had it. I never made any statement in Cleveland, or any other city that the guilty man was at large. The newspapers have said many things that are not true about this in quoting me. They often misquoted me. At the time I asked Mr. Smith if he had implicit confidence in this man Tedder, I was not concerning myself about Ragsdale at the time. Mr. Tobie is my Chicago man. I have learned that he was down here on this case. I only know by hearsay who employed him. Mr. Tom Felder employed him. Mr. Tobie did not make any reports to me. I never heard of any reports he made, except what I read in the newspapers here. When I first heard of the Ragsdale incident, I told them I didn't care to hear any more of it. I first heard of it probably a week or ten days before the affidavits were made. Mr. Lehon spoke of it to me in my office. I don't know whether Charley Sears was present or not. The next time I heard of it Mr. Lehon came to me and told me the preacher had made an affidavit and that they had run out his record and found it alright. He did not tell me anything about Barber. He didn't say he had run out his character, he said it had been run out. I did not pay any attention to it. Yes, I did have a conversation with Mr. Lehon previous to that, he came to me again and told me about this preacher, and did say that he was corroborated, and I told him that I wouldn't have anything to do with a man who would keep that information all this time, and that he was not worthy of belief, and that I would not have anything to do with it, and to send them to Mr. Rosser or Mr. Arnold and after investigation if they saw fit to take it to do so. I don't know whether Mr. Lehon carried out my instructions or not. I suppose before the filing of amendment he did. I think it was two or three days before I heard that he

had made the affidavit. I never saw Arthur Thurman in my life. I do not know whether Messrs. Arnold and Rosser were talked to about this matter or not. I never talked to them about it. I do not know of any money being paid out, either to Ragsdale or Barber, nor to Thurman or Tedder. I never paid a cent and never authorized a cent to be paid. I do not think this thing would be handled by somebody on the side who would not report to me, in order to keep me from knowing it. I don't think such a thing would occur. He would be violating the rules of our agency absolutely to do anything of the kind. I did not hear through any source connected with this case or in any way that Carlton C. Tedder had been supplied money for the purpose. I am ^{more} familiar with the Annie Maud Carter proposition than with the Ragsdale proposition. No, it was not my particular discovery. I didn't work up that angle. I don't know who worked up that angle. I found the girl at Mr. Haas' office, on the day she made the affidavit. I never heard of her before. Yes I came in contact with a Mr. Wrenn. I have seen both of them, Jimmie Wrenn and George Wrenn. I did not see George Wrenn before he was released from the Tower. I saw them while they were working for C.W. Burke. I never saw Mr. Frank in the jail in company with Mr. Burke in my life. I never saw ~~Mr. Frank~~ Mr. Frank when Dr. Wrenn was there. Nothing was said to me about what was going on when Dr. Wrenn was down there. Nobody ever handled anything through Wrenn. The first time I ever saw Wrenn I sent for him and he came to my office. I asked who was familiar with those letters and they said Wrenn was, and I sent for him and asked him to sit down and translate them, which he did. It was a young fellow about 25 or 26 years old. He is the taller of the two. Wrenn read it. Leonard Haas afterwards furnished the translation. I am telling you Dr. George Wrenn did it first and then Leonard Haas did it afterwards. Dr. Wrenn did it for me. Two of the counsel were present, Leonard and Herbert Haas. I could not say how long that was previous to the beginning of the hearing up here on the extraordinary motion. It has only been four or five days ago. It was two or three days, I think before that that I had been in possession of these notes. I do not know that they have sought to have them photographed before that more than that length of time. I got the notes from C.W. Burke, a little

while before Wrenn interpreted them. Yes, Burke is the man who deserves credit for the discovery of the notes. ~~I have examined the~~ I went over the evidence in the case. I read all the briefs in it; went down to the pencil factory, went over all the briefs in the case and interviewed all the witness at the pencil factory, went up to your office and examined the clothes, examined the evidence in the case and made my report to them that in my opinion that they did not need any evidence outside of that used at the first trial. That is my opinion now. I suppose there were over one hundred witnesses introduced by the State of Georgia in the case. I don't know how many were introduced. I didn't read overall. I did not read the stenographic report. I just read the briefs. I interviewed Schiff, Darley, Holloway, Lemmie Quinn at the factory, Frank himself, I don't recollect the others. I don't remember the States witnesses I examined. I employed Botts Rogers, who was one of the State's witnesses. He has not given an affidavit changing his evidence. I did not interview John Starnes and Pat Campbell. I tried to interview Monteen Stover. I did not interview Newt Lee. I tried to interview Monteen Stover twice. The first time was at Mr. Boorstin's office. I told Mr. Leonard Haas I would ^{not} like very much to talk with this little Monteen Stover, except with her permission, and he said he thought he could arrange it. Later I met Mr. Boorstin and asked him if he could make arrangements for the interview with Monteen Stover and he said he could. I told him to be sure and get the permission of the parents of the girls and the girls permission. Later Mr. Haas telephoned me, told me that Monteen Stover and her father and mother were at the office of Mr. Boorstin. I went up there and as I walked in the door, Mr. Boorstin said "Come in Mr. Burns" and the little girl jumped up and went out the door and the mother after her. They went after her and called her back. I said "What is the trouble," I says, "Well, if she doesn't want to speak to me, let her go, don't call her back." I said to Mr. Boorstin, "Did you make the arrangement" and he said "No, I did not. I thought I would get her here and she would consent." Then I said "You gentlemen ought not to have brought me here without having made satisfactory arrangements for the interview." I did not see anybody grab hold of the girl and try to hold her. I did not have any conference with the girl who stays in Boorstin's office at all about detaining her, or directing

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her to close the door on her mother when she went to go out and tell her to stay there. I did not talk to Mr. Edmondson, the step-father of this little girl, right there. I never saw him but once in my life. I did not talk to Dr. Claud Smith, the city Bacteriologist. I did not talk to the two doctors who were employed by the defense to ascertain whether or not that was blood on the second floor. I did not get their names or know anything about their report. I made a thorough inquiry about it. I made an investigation at the factory and the witnesses attached to the factory. I did not talk to Mell Stanford, Mrs. Jefferson, or R.P. Barrett. I did not find out from Frank who that was present with him when he got down on his knees and examined those blood spots. I never heard of it. I never saw Duffy in my life, and didn't discuss that with him. I don't know him. I never interviewed him. I never talked to Newt Lee. ~~Mr~~ I examined the blood spots on the first floor, where they chipped ^{it} up. I did not examine the ^{alleged} blood spots down in the area where Jim Conley is said to have been sitting, but I had an interview with Mr. McWorth, Mr. Whitfield, and they told me what they had found and then we examined some spots still there, and where they said they had been chipped up there. I think Whitfield has been working for me. I did not take him into my employ, Mr. Sears did. I talked to him about those blood spots. I did not have an analysis made of them, I never saw those chipped up from there. I never saw those around the elevator area; they were turned over to the Pinkertons and thrown away. It is my understanding that they were turned over to the Pinkertons. I have been there and seen the floor. There was something chipped up there, on the street floor near the scuttle hole. I know what Mr. Whitfield and Mr. McWorth told me, that they chipped them up and turned them over to Scott, or Pierce, I forget which, of the Pinkertons. McWorth is now an assistant at my office. He is retained to handle all matters. I saw the club McWorth and Whitfield reported to me. I saw it in Mr. Haas' office, and there was blood on it. I am more capable of looking at a man and saying he is a pervert, than looking at spots and tell they are blood or not blood. My next business engagement is out in Oklahoma, Oklahoma City. I will return here in about ten days.

I have no evidence now with reference to this murder I have not reported to Leo M. Frank, or to his attorneys. I keep reporting every day and right along. I have made my final report to them. I have not it in written form. I am going to make a written report. I have advised them not to publish it, because of the fact that it looked to me as though every witness that is found here is bamboozled, or turned about, and I determined and advised them when they found a witness to send the witnesses out of town to preserve them. Annie Maud Carter was sent out of town on my suggestion. Mr. Lehon attended to that. I sent her to New Orleans. After she made the affidavit I advised the attorneys to send her out of town. I do not know where she is stopping. I do not know that she is stopping at 314 Lower Line. She is not working for the agency down there. I do not know who is living at that place. Nothing was paid Annie Maud Carter that I know of. I do not know of anything paid her for her evidence by Wrenn. I found Annie Maud Carter in Mr. Haas' Office. Leonard Haas and Herbert ^{were} Haas both in the office together. I told Annie Maud Carter's mother that I would arrange for her to go and see her daughter. I have never seen her since. I do not know that she came to my office prepared to go to see her daughter. I did not personally tell her that I would let her telephone her daughter. I think Lehon ~~was~~ attended to the details of getting Annie Maud Carter out of town. I have no evidence of a physical nature not already before the court tending to expose who the murderer of Mary Phagan is. I have not anything of a documentary nature that has not been turned over to the attorneys. I am reporting to them every day. The last report was made to them probably a day or two ago. The last time I talked with these men was this morning, and last night. I have not seen a copy of their motion and amendments. I have not read them in the papers. No, I know of no evidence illustrating ~~any~~ any issue in this case I have not apprised these gentlemen of. I don't know anything about anything that they have not brought to the attention of the court.

CROSS EXAMINATION. It was extremely difficult to investigate the facts of this case, owing to the intense feeling on the part of some members of the public. The most difficult of any case I have ever ~~imagined~~ inquired into in all my experience. I never in all

my life met with such unreasoning prejudice as there is in this case, to give the facts, just the simple truth. I have never known a case where it is as hard to hold a man to his story, to just the simple truth as in this case. I have never heard tell or reas of anything as outrageous as was resorted to in this case to secure the evidence of Minola McKnight, or the treatment accorded to Albert McKnight. I talked to Albert McKnight after he was lately arrested. I have read the affidavit made by Albert McKnight that was put in this motion for a new trial. He stated that what he had sworn for the defense was absolutely true, and he was induced to tell the story he did on the stand by Claborne or Craven. I read the brief of evidence in this case. I would say the brief of evidence covered the truth in this case completely. I read the evidence of Jim Conley. I have never known of a white man with a hitherto unblemished ~~xxxxx~~ reputation being convicted on the testimony of a low criminal negro, who himself admitted to having written the notes found by the body of the girl, or of any court, jury, or anybody accepting any such criminal explanation of the crime. My conclusion as to who was the murderer of Mary Phagan, so far as all the evidence on the trial of a case is concerned, is unquestionably Jim Conley. I read the testimony of the Pinkerton man, Scott as to how Jim Conley changed his testimony, starting out that he knew nothing about it, and then he claimed he had written the notes on Friday, and then changed and said he had written them on Saturday, and that whenever ^(Conley) he said anything that would not fit, they would tell him to put in something that would fit. My statement first made as to the conviction of Frank is based on the ^{brief} which I read. I have never talked with Jim Conley. So far as my information goes, he has been kept ever since this prosecution at the jail. I understand that nobody has been allowed to talk to him. My information as to the terms on which this man Smith would allow me to talk with him, was provided that he was present and I think he wanted a reporter of the court present also. I dont think under such circumstances I could get anything out of Jim Conley. I examined the letters he wrote in the jail and the e clothes of the little gir. The contents of these letters were very vile. I never saw a case more filled with that character of per-

version in my life. I have never attempted to get anything except what I considered the truth. There have been hundreds of rumors of a great many people wishing and proffering to tell ridiculous and what ~~was~~^I considered absurd things in this case. It is difficult frequently to tell just what motives were prompting them or why they wanted to get into it, whether it is the truth or not.

REDIRECT EXAMINATION. One instance I can name where obstacles have been thrown in my way as to getting evidence and ascertaining the truth, is the Conley incident and Monteen Stover situation, and I considered outrageous, perfectly outrageous. As to why it is outrageous for a private individual not to submit to cross examination by four or five different men, all in the pay for a convict and his friends, I suppose the object was to get at the real facts and find out who was the actual murderer. It seems a lot of extraneous matters have been injected into it, and I could see there was a feeling here on the part of lawyers that intended to interfere with a proper investigation of the case, as for instance, yours, (Mr. Dorsey) As to what obstacle you put in the way of a full investigation, you refused to discuss this case with me, after I told you I would report that Frank was innocent. I asked you if I could discuss the case with you and you said, no, not then. Yes, you said you would see me at any time afterwards. Yes, I told you that I would report in writing in a few days that Frank was innocent and Conley guilty. I had already made up my mind at that time. You told me if that was true there was no use to discuss it with me. Yes, you told me I could come back if I wanted to, and that you would be glad to see me and give me the opportunity of convincing you of his innocence. As to whether you told me you didn't care what my opinion was, that I need not ~~give~~ waste any time in giving my opinion attacking the verdict, that if I had evidence, I could take all the time I wanted to convince, yes, you said about that. You added that for some reason after you came out into the hall. Mr. Alexander had gone almost down the stairs. As to what other obstacles, other than the Monteen Stover and the Jim Conley instances were thrown in my way, I asked the attorneys for the defense whether it would be possible to see all the witnesses for the State and the defense and they told me it would be impossible to get to ~~gham~~, after we had started on Monteen Stover.

The Haas' told me that. Perhaps Mr. Arnold, I am not sure. Mr. Rosser may possibly have told me. I do not recollect any other obstacle that was thrown in my way. Perhaps if I had known you were going to ask that question I could have thought it over and refreshed my mind. As to why I did not go to see Jim Conley, because, as I have said, of the obstacles thrown in my way. As to why I could not ^{go where I could} get valuable information, I saw and read the notes and saw the clothes of the murdered girl and the manner in which the under garments were cut. He admitted writing the murder notes. As to how I know that Conley ever saw or had his hands on those garments, why the way in which those garments were cut, indicates to my mind that it was the act of a pervert, such a perverted mind as Conley betrays in those notes. The most ridiculous thing that has been brought to my attention in this case, is the fellows who claim to have been behind that factory, or the alley on that day, were lined up you would think it was a parade, also those who ~~xx~~ claimed to have heard screams there that day. Mr. Haas told me about some man who heard screams in that factory. I don't recollect he told me the names. I did not ever talk to a man who claims to have heard screams. I ~~wanted~~ never talked to a man who claimed to have seen Jim Conley, but the Salvation Army man in Chicago. Yes I heard that Mary Rich said that Conley bought a lunch from her down there. I was not therefore looking for anybody in particular who saw him come out of the factory. I was looking for anybody that had any information on the subject. The instances that have occurred throughout the course of this investigation that showed prejudice on the part of any people, were the handling of these witnesses, the Albert McKnight matter, and the statements that I read as having been made never knew of the effort that Burke made to send McKnight out of town when he was wanted as a witness in the Conley case. We made Annie Maude Carter a witness, she was our witness, and we wanted to take care of her, and we were satisfied what would happen to her if we left her here. In the investigation of Conley's record, this is the only instance, his connection with this case, I discovered. As to what criminal act Conley committed, I have only hearsay.

DAN S. LEHON, Sworn for the State (By deposition) My position is that of Manager of the Southern Division of the William J. Burns National Detective Agency with headquarters in New Orleans. I have been here on the Frank or Mary Phagan case for the past four or five weeks/ I cannot recall just when I came here. Occasionally we call Mr. Burns "Governor". Mr. Burns came a few days before I arrived. I take charge of the work in general, nothing in particular. I did everything that came to me I thought was necessary to have to do in this matter. As to what I am paid in connection with my work in this Frank business, it doesn't make a particle of difference to me as to my compensation, I am paid a salary by Mr. Burns and this case has absolutely no bearing on my salary. I am not interested in the retained Mr. Burns receives. I am interested in the money Mr. Burns pays this agency here in Atlanta the same as any other employee would be in any concern or firm. I have no interest at all personally in the money that is received from Frank or his friends and paid to Mr. Burns or the Burns' Agency. I have been paid on account of the agency, some monies from our client. Yes, I have signed and receipted for the monies that have been paid for the services of Burns and myself and his agents here. I have not handled all of it. I don't know who has handled others. We got the money from Mr. Herbert J. Haas, of counsel for the defense. I can not recollect how much money we got from Haas at the time Ragsdale made his affidavit. I don't recollect whether or not I got any money from Haas at that time. Immediately previous I got five hundred dollars by check. I did not talk with Haas about the Ragsdale affidavit when I got this money. I recollect previously mentioning something about an affidavit that was to be made by a preacher and I never knew Ragsdale's name until the day he made the affidavit. As to my knowing my subordinates or the subordinates of the Burns' Agency, or Burns himself had been in touch with a preacher, I had heard there was a preacher from one of our operatives named Whitfield, the same man who used to work with Pinkertons under Pierce. I heard it from Rogers, a witness for the State. I also heard it from C.C. Tedder, also in my employ. I employed and paid Tedder. I advanced Tedder at the time that I employed him, which I think was the 15th or 16th of April, a month's salary, Two hundred and fifty dollars. I also advanced him \$250.00 for expenses of making a trip

^{interview}
to ~~introduce~~ some witnesses that he told me were living in Birmingham, or Chattanooga, or Nashville. One of the witnesses he told me was a prostitute in a house of prostitution at either Chattanooga, or Birmingham, who had information would swear to Frank being a pervert and I instructed him to go and get this information by all means; and he also informed me at the same time that he had a very important witness in the person of Mark Wilson, a negro, who would testify that he saw James Conley buy a lunch from Mary Rich, the negress near the pencil factory on the day of the murder and that Wilson would also state that he saw Conley going back to the pencil factory, in the alley and coming out of the alley. He also told me there was another witness named Hodge, a negro, who could verify and support or corroborate the statement of Mark Wilson, and it was for that purpose I gave this money to Tedder to defray his expenses and he explained to me he was broke and needed money and asked me to advance him a month's salary, which I did. At the time I advanced this \$250.00 I had never heard of the preacher. I do not know a man by the name of Petrie, if he is working for the Burns' agency, I don't know it. I don't know anything about him. I never heard of the name Petrie before. At the time I advanced Tedder the second \$250.00 I had not then heard of this man Ragsdale. The first time that Tedder discussed Ragsdale with me I think was on the 22nd of April, Tedder told me that Arthur Thurman, a lawyer here, had a preacher client of his, who claimed to know a great deal about the Frank case; that he had overheard some negroes talking in an alley way and one of them admitted the killing of a girl in the pencil factory, and that they were willing to make an affidavit to that effect. I told him I would be very glad to get it. That was all that was said at that time that I can recollect. The next time, I think, was on the 23rd of April, Tedder called me up on the telephone and said, "Thurman is bringing those two men to your office, the preacher and another man, to make affidavits." I said, "All right have them bring them down." Thurman came into our office and said, "Mr. Lehon, this is Dr. Ragsdale and this is Mr. Barber" pointing to the men, "they desire to make affidavits in the Frank case". I said "All right" and Thurman withdrew. I asked Barber and Ragsdale to step into my private office and they were only seated a minute and I got

my hat upon the rack and said "Come on over to Mr. Rosser's office, the attorney's." I brought them to Mr. Rosser's office where they were first interrogated by Mr. Brandon, as Mr. Rosser was not present. It was during the noon hour. Later Mr. Rosser came and in my presence and in the presence of young Mr. Tifton, I think it is, the stenographer, and Ragsdale and Barber, their affidavit was taken by Mr. Rosser. They were not brought in by Mr. Thurman and Tedder, they were brought in by Mr. Thurman. Tedder called me up on the telephone and stated Mr. Thurman was coming to my office with those men. After Mr. Rosser had taken the affidavits of both Ragsdale and Barber and then asked them for the names of some of their associates or some reputable men here in Atlanta or elsewhere in the State of Georgia that could vouch for their good characters, and both Ragsdale and Barber furnished Mr. Rosser with a number of names, mostly of Atlanta citizens, and Mr. Rosser then furnished me with his list, and I immediately instructed our ~~agents~~ operatives, and went personally to some of them myself, and interviewed two gentlemen at leadt in regard to Ragsdale. They are connected with the State Mission Board here; one of them was a preacher named Page, and the other man was acting secretary of the State Mission Board, Bernard, I think his name is. I don't know whether Bernard is an auctioneer. He was acting secretary of the State Mission Board in the absence of J. J. Bennett, who was sick in the hospital and whose name Mr. Ragsdale had furnished us, I called at the State Mission Board for the purpose of interviewing J. J. Bennett and found that he was sick. That is the first time I made an investigation, that is the first time I knew Ragsdale and Barber's names. I think it was a day or two previous to when I ~~first~~ ^{actually} got the affidavits that I obtained the information from Tedder that affidavit could be made. When I first mentioned the matter to the Governor about a preacher being in exp-istence who knew something about this and when I mentioned he was in an alley-way he says, "No more of that-alley business. We have run enough of that", and didn't take the thing seriously at all. I could not say exactly how long it was previous to the time that affidavit was actually executed that I and W. J. Burns had this talk, but it was only a few days. I don't think I communicated this matter immediately and directly to the Governor. The reason for the delay

was because I didn't think it was very important myself. From the time Tidder first mentioned this matter to me until I got this affidavit, I only made one payment to Tedder; that was the day I employed him and that was an advance of a month's salary and \$250. for expenses to go to look up those witnesses. I got the money from Herbert J. Haas on account of our services. To the best of my recollection it was by check. I am not able to say whether it was by check or by money. I have been paid cash by them and also been paid by check. I have been paid so often by cash, I can not recollect how often it was. I can not recollect how often I have been paid by check. I could not state of my own knowledge whether the check was signed by Herbert J. Haas individually or as treasurer. I paid very little attention to the check. I could not tell you what bank the checks were on. I turned them over to the local manager, Mr. Sears. I don't recollect endorsing any checks. I don't recollect any cash or check transaction at all at the ~~ix~~ immediate day the Ragsdale matter was on. We pay Boots Rogers a per diem basis. We have no usual custom of paying our agents. It varies. I did not pay Tedder any money the day this affidavit was made. I do not know of his getting any money. Tedder was not in my office at any time that day previous to the money being paid. I do not and do not think he was at the office of Messrs. Haas, No. Ragsdale and Barber did not refuse or delay the execution of those affidavits. They were only anxious to make them and was wondering why the thing was being delayed so long when they were extremely anxious to make the affidavits. I met Arthur Thurman twice. Tedder told me he went to Birmingham, Nashville and Chattanooga. He made verbal reports. I did not make daily reports to the Governor or to any of the Burns Central offices. Several men who have been working on this case down here have received cash payments from me. We pay nearly all of them in cash money. I don't know whether they are paid by check or not. Mr. Sears attends to matters of that kind. I have advanced several of the operatives expense money in cash and not by check. We usually take receipts and are filed in our office. I don't know anything about Jimmy Wrenn in connection with this case at all. I do not know him. I don't know anything about George Wrenn. I have not received reports from our men with reference to what they had done in this case.

George Epps testified in affidavit in substance as follows:-

"I am the George W. Epps who swore on the trial of the state of Georgia vs Lee M. Frank.

"On April 26th, 1913, I lived with my father and mother at 246 Fox Street, city of Atlanta, and I knew Mary Phagan well. I had known Mary about a year before she died. I rode on the car with her on April 26th. We reached the corner of Marietta and Forsyth Streets about 12 o'clock. Mary got off the car at this place and went on down toward the National Pencil Company's place of business. As we were coming into town on the car, Mary talkwd to me, told me she was going down to the National Pencil Company to get her pay. She also told me that Mr. Frank had been trying to flirt with her and that she was afraid of him. The evidence that I gave on the trial was the truth and nothing but the truth, and I here and now say again that what I swore on the trial is the truth. Soon after the case was ended a man came to me who said his name was Terry. I will describe that man as best I can. He was a short, skinny, low man and always wore a sour grin on his face. He told me when he first met me that he wanged me to take a message for him to Capitol Square and Washington Street. I took the message. It was to somebody by the name of Smith. I was never able to find this man Smith. I found a place where somebody by the name of Smith lived, but I never could find Smith. The next morning I reported back to Terry, or the man who called himself Terry, that I could not find his man Smith. Terry was in front of the Aragon Hotel and stopped me as I went along up the street and wanted me to take another message for him. This time the message was to Mr. Smith again, over at the same place. I took this message, which was a note, but I couldn't find his man again. I then reported back to Terry that I could not find Smith again. This time I reported to Terry at the same place, in front of the Aragon. When I reported back this last time, this man who called himself Terry asked me if I did not want to travel with him. He said he had a show company and wanted me to travel with him and that I could get \$10.00 a week and expenses, - that I would have a good time. He said he was going to take some girls along with them. He asked me would I go. I told him I would see about it.

He told me to report to him right across from the library that night. He didn't say anything more; said he would see me again that night. That night I reported where he said meet him, across from the library. He told me to stand in front of the House that Jack built. I had to wait for him. When he came, he came along. He said 'let's walk along,' and we walked down Cain Street, on out to West Harris Street and came back up to Peachtree Street. He said he wanted me to go with him - said I would have a good time, and get to go to New Orleans and would get out of this Frank case. He kept begging me to go. He offered me \$10.00 a week and expenses. I said 'Yes, I will go.' He said he would get me some nice clothes. He told me that night to meet him again the next night in front of the Carnegie Way Fire Engine House, between 7 and 8 o'clock. I met him that night, ready to go. I had to wait a long time. When he met me he said he couldn't get off but would have to wait a week - said he wasn't ready, couldn't get his show girls up. He told me to meet him again the next Saturday night in front of the Winecoff Hotel. I went there Saturday night and had to wait a long time. He stood on the corner and motioned for me to come in the dark. He said he was going to be ready to go Wednesday night and would have my clothes and everything ready. He told me to go ahead and work for Mr. Miller until he got ready for me. He told me to keep this secret; not to let my father and mother or anybody know that I was going off. I did this, and didn't tell my mother and father. I saw him Sunday, coming down Forsyth Street, Kelly (C.W.Burke) and Terry were together, and they stopped at the corner of Walton and Forsyth Sts., at the corner of the Post Office building and Kelly left as I came up. Wednesday night I met him at the corner of Carnegie Way and North Forsyth Street. He gave me some of his old clothes and gave me one dollar in money and told me to go ahead and get a bath and to get ready, that we were going off that night at 11 o'clock and for me to meet him at the corner of Forsyth and Hunter Sts. I went ahead and got my bath down town and hung around and got some supper. At about 10:30 I went to the corner of Forsyth and Hunter and met him there and he already had my ticket; said we were not going to New Orleans but were going to Birmingham. He had said before that we

✓ were going to New Orleans. He said to go on over to the Terminal Station - that he had some girls to get. I went over to the Terminal Station and when I got there I met a man that had on glasses, who looked like a fellow I saw in Birmingham that passed off as Kelly. This fellow pretended he could not see good and asked me to help him down the steps. When Kelly and I got on the train, Terry was already on the train and pretended to get mad because I helped this man down the steps. Terry got off the train and told me to stay in there - that he would catch the train before it left; that he had some business to attend to. I went on in the train and sat down. Just as the train was pulling out of the Terminal Station, I saw this man Terry hop on to the train, but he did not talk to me until we got nearly to Birmingham. I do not know what became of the man who pretended to be blind and who looked like the Kelly I afterwards saw in Birmingham. I didn't see him after we got on the train. Terry then, when we got nearly to Birmingham, came in and began to talk to me. He said he was going to stay a week in Birmingham with the show. He did not stay with me long; said he was going back to stay with the show girls. I never saw any show girls.

"When we got off at Birmingham I was with Terry. When I got about two blocks from the station, that man that pretended to be blind, came up and grabbed me; but he had pulled off his glasses. I do not say positively that he was the same man I helped down the steps but I think so because it looked exactly like him. The glasses made the difference. Terry asked the man that grabbed me what his name was and why he was grabbing me, and the man - who afterwards passed off as detective Kelly - said to Terry that I had stolen \$10.00 from the Miller Minute Messenger Service. Kelly said he was going to take me to jail. Terry told him not to take me to jail; take me to the hotel, and said he would pay my expenses at the hotel.

"Kelly took me to the Birmingham Hotel and Terry was with me. After they got me up to the Birmingham Hotel in Birmingham, Ala.

Terry then wanted to pay my fine and told Kelly he would pay it if he would let me go. Kelly then said he would call up the chief of detectives and ask if it would be all right to take the money.

197 He called him up, or pretended to call up, and Kelly then said -

after he had pretended to talk over the phone - that the detective chief said that wasn't the only case that they had against me; that they had me also for perjury in the Phagan case. Kelly said the chief of detectives said to keep me there until he came. Then both Kelly and Terry commended talking to me while they pretended to wait for the chief of detectives.

"After awhile somebody came in that they said was the chief of detectives. He didn't have any uniform. The best description I can give of this man who pretended to be the chief of detectives is as follows: He was a tall man, about like Mr. Pat Campbell, whose beard came down to a sharp point and whose moustache was clipped off short. All three of them then began to talk to me about the Frank case and what I had sworn on the Frank case. All three of them told me I had sworn a lie and had to come up and tell the truth or go to jail. I said I had told the truth about it. He said No, I had not told the truth and if I did not tell the truth about it, I would go to jail. I said 'I told the truth and that is all I know.' He said 'You know you never came to town with Mary Phagan on the car.' He said 'You know that Black put you up to this, and we are going to make it hot for him.' He rung a bell down stairs and they brought writing paper and a pencil and the chief of detectives commenced writing, and wrote three pages and then read them over to me. He commended talking to me and told me I was going to have to say this and if I didn't stick to it, I would have to come back to Birmingham and serve a sentence there. About this time he said he had to go home and get his breakfast; that he would see me after breakfast and bring a stenographer.

"This was in November, 1913. I got to Birmingham about 3 o'clock in the morning and they kept talking to me and did not let me go to sleep all night. Terry then took me out to get something to eat and told me to go ahead and stick to this story; he was going to take me to New Orleans and they could not bother me after I got out of Birmingham. He took me on down and got me something to eat and brought me back up to the Birmingham hotel. This time the chief of detectives brought a man, a stenographer, with him. I didn't say anything, but the chief told me to listen; that I was going to have to say that. He said he was going to have it copied

on the typewriter and he would bring it back to me at four o'clock and take me to a lawyer to be sworn in on it. Mr. Terry taken me down stairs and gave me \$2.00 and told me to buy a clean shirt and take the rest of it and go to the shows. About 3:30 I came out of the Benita Theater in Birmingham, and went up to my room. I was sitting in the window looking into the street, when I saw the chief of detectives and Mr. Kelly coming. They made a motion for me to come down stairs. They asked me where was Terry and I told them I didn't know. Then they took me over to a building I don't know the name of and they took me by the jail and said I was going to be sworn in and for me to say that was the truth - that is: what they had written on that paper. They took me to the office and started reading it to me, and when it was done they made me hold up my right hand and swear to it, and when they got done Mr. Kelly took me back to the Birmingham Hotel and there we met the chief of detectives, and Mr. Terry was with him. Mr. Terry got me and we went walking around. That night he sent me on to the hotel and told me to wait until he come; that he wanted to see the show girls. I went up to my room and went to sleep. I don't know when Mr. Terry came in. The next morning he said he was going to move to the Empire hotel, and we went down stairs and turned in the key and went over to the Hotel Empire. He told me to go on up in the room and that he would see me later, and he give me some money. About 8:30 Mr. Terry came back and took us into the cafe which is in the Empire hotel and bought us some breakfast. Mr. Terry got two telegrams and he claimed they were from Atlanta and that the show had to come back to Atlanta before we could go to New Orleans, and that night I got ready and we left about 3 o'clock, and we got on the train and came back to Atlanta. We got to Atlanta about 7 o'clock in the morning, I think it was. Mr. Terry didn't ride with me all the way, but just before we got to Liberty Springs, he gave me a dollar and a half and told me to go to the Gate City hotel and stay there and don't let anybody see me; that he would come up there about 12 o'clock and get me. I waited a long time and Mr. Terry didn't come until one o'clock, and he told me to go on back home with Mama; that he was coming out to see my folks. He gave me a dollar and a half in nickles and dimes and told me to go out to the

football game; and I didn't see any more of Mr. Terry until one day just before I was arrested, and he told me that Mr. Kelly said I had not told the truth and they wanted me to come back and tell the truth about it. I said 'I have done told the truth, and I don't know anything about it, and there is some crooked work now;' and he left me at the corner of Edgewood Avenue and Ivey Street and told me to go ahead and go back to work.

"The reason I signed the affidavit for them in Birmingham was because they threatened me and I was scared and wanted to get back home. They said if I didn't sign it I would have to go to the Birmingham Reformatory, and that if I did sign it I would have to stick to it; that if I came to Atlanta and changed it, they would take me back to Birmingham, and that Birmingham would fix me.

"About three weeks after I came back to Atlanta from Birmingham, Judge Tindall sent me to the Reformatory at Milledgeville on a complaint in the Childrens' court. Judge Tindall said he would be willing to place me on probation, but remembering the threats made to me in Birmingham by the 'Chief of Detectives' and 'Mr. Terry' and 'Mr. Kelly' - to take me back to Birmingham if I didn't stick to the statement they made me sign, I asked Judge Tindall to send me to the Reformatory; I was afraid if I was placed on probation that when I repudiated the Birmingham affidavit and told how it happened, that they would take me to Birmingham and put me in jail for signing the statement over there.

"While I was in the Reformatory at Milledgeville, Ga., Mr. Stiles Hopkins came over there to see me; he told Capt. Lovvorn he wanted to see me; that they had an affidavit which I had made in Birmingham and they wanted me to sign it. They said they just wanted to change it from Birmingham, Ala. to Atlanta, Ga. Mr. Hopkins told me to take one copy of the affidavit I made in Birmingham and he would read over the one he had copied and see if it was the same one I signed in Birmingham; and I told him Yes, that was the same one, and then he had me to sign it - the typewritten one that he had brought with him, and after that a lawyer swore me to it, but I don't know his name. He asked me if it was the truth and I told him Yes, it was true that it was the same one I made in Birmingham; and I signed it, and Mr. Hopkins and the man who claimed

he was a lawyer, left.

"I was brought to Atlanta from the Reformatory at Milledgeville, Friday morning, May 1st, 1914. Since coming here I have seen a man who was pointed out to me as C.W.Burke. I have seen him twice since I came from the Reformatory. On both occasions I had ample opportunity to see him well and to watch him; and I am now prepared to say, and do say under oath that he is the man who was with me in Birmingham, passing under the name of Kelly; that is the name the man known as Terry called him; and it was what I called him, as he was introduced to me as being Mr. Kelly, and it was the name which he recognized and responded to. Mr. N.A.Garner was with me when I saw and identified Mr. Kelly as he was coming out of the National Pencil Company's factory on Friday, May 1st, 1914. The man who I pointed out to Mr. Garner as Mr. Kelly, got in an automobile - a Ford touring car - and Mr. Garner told me that the name by which he was known in Atlanta was C. W. Burke.

"When they had me up in the room in Birmingham all three of these men got me over in the corner right at the window and pulled down the shades. They cursed John Black, city detective of Atlanta; they talked to me entirely about the evidence that I had given on the Frank case and insisted that I should change it and would not let me hardly say anything to them. They talked low, but I was afraid; I am now just 15 years old.

"I have read over the above affidavit and it is all true, and I have placed my name on each and every page thereof after having read it."

Another affidavit of George W. Epps, in which he testifies in substance as follows:

"I met Jimmie Wrenn for the first time at the corner of Auburn Avenue and Peachtree Street, and not at Miller's Messenger Service, but four blocks away, or about that.

"Wrenn did not discuss the Frank case with witness casually or otherwise in Atlanta but decoyed witness out of the city and out of the state to discuss it with him.

"Witness did not state to Jimmie Wrenn (as C.W.Burke swears Jimmie Wrenn reported to him) that the testimony witness had given at the trial of the Leo M. Frank case was in most part false; nor

did witness tell Wrenn he had told some lies; nor that witness had been made to tell the lies by detective John Black. Witness did not tell Wrenn that he was going to take a hobo trip; that he was in had with the Probation officer and the detectives and that witness was afraid of John Black. Witness did not promise to make any affidavit for Wrenn anywhere or say that he was afraid to make an affidavit in Atlanta.

"Each and every statement charged by Burke in his affidavit of May 5th, 1914 as having been made by deponent to Jimmie Wrenn in Atlanta, is absolutely and unqualifiedly false. And if Jimmie Wrenn made these statements to C. W. Burke as coming from ~~argument~~ witness, said Jimmie Wrenn was "stuffing" said Burke with falsehoods which he, the said Wrenn, manufactured. Witness's affidavit given to Hugh M. Dorsey, Solicitor and sworn to and subscribed before an officer on Monday, May 4th, 1914, is a true statement of witness's dealings with Jimmie Wrenn."

John R. Black testifies in affidavit in substance as follows:

"On the first day of the Coroner's investigation into the death of Mary Phagan, Mr. J.W. Coleman, step father of said Mary Phagan, told me about 2:30 o'clock in the afternoon that there was a boy down in the lobby of the station house who had told him on Sunday and Monday nights that he had gone to town with Mary Phagan on Saturday, April 26th, 1913, and that this boy told him he sat on the same seat with Mary. Mr. Coleman also stated to me that this boy down in the lobby had described to him Mary's leaving the car at Marietta and Forsyth streets, her going south along Forsyth St. toward the National Pencil Factory, her conversation in which she told him she was afraid of Leo M. Frank, etc.

"Mr. Coleman and I went to the lobby and talked to the boy who was George Epps, later a witness in this case, - and George Epps admitted to witness the things Mr. Coleman had communicated to witness. George made a statement to witness embodying what he later testified in the case. Witness called the coroner out and George Epps repeated the same things to him.

"The next I heard of said George Epps was the next day when George called me up by phone and asked me to come to the Spring

Bed Company's place, where he was working. This was out on Jones Avenue. I went to his place in company with Mr. Harry Scott. Said George Epps communicated certain names to us with the statement that these parties could furnish us information on the case. He volunteered to go with us, stating that he could carry us to these parties, and we accepted his offer to go; and we three went out together to look up these parties.

"I never was in Mr. Dorsey's office with George Epps before the trial, as I had been detailed by Chief Lanford to work with Scott of the Pinkertons and report to Starnes and Campbell what we might learn. It not being my duty to report to Mr. Dorsey at that time, I did not go about his office. Furthermore, witness never did, at the station house, in the Solicitor General's office or elsewhere direct, tell or suggest to George Epps what he should swear in this case. And any statement or insinuation by anyone whomsoever to that effect is utterly false.

"Regarding the alleged statement of Epps that witness put a statement in his mouth to fit the Jim Conley situation, - this is false and could not have been true because George Epps made his first statement before witness knew anything of Jim Conley in the case, Jim not having been arrested when George first made his statement to witness."

J. W. Coleman testified by affidavit in substance as follows:

"That the statements in the above affidavit of John R. Black are true, in so far as they relate to things done and said by this witness."

N. A. Garner testifies by affidavit in substance as follows:-

"I have read the affidavit of George Epps, Jr.; I am the N.A. Garner referred to in his affidavit. I was with George Epps Jr. when he pointed out a man as having passed in Birmingham, Ala. under the name of Kelly. I am personally acquainted with the man pointed out by said George Epps and know the man to be C.W. Burke who has been working on the Frank case. I was also with George Epps and city detective S.L. Rosser when said George Epps pointed out a man by the name of B. Bernard as being the man

who represented himself to be the chief of detectives in Birmingham, Ala., as referred to in the affidavit of said Epps attached. I am personally acquainted with said Bernard and know that the man pointed out by said Epps as the chief of detectives of Birmingham is B. Bernard of Atlanta, Ga."

R. P. Barrett testifies by affidavit in substance as follows:-

"My name is R.P.Barrett. I live at 549 West North Avenue in the city of Atlanta; I worked for the National Pencil Factory about four years in all; I was in the employ of said company in April, 1913 and at the time of the murder of Mary Phagan; I was a witness for the state on the trial of Leo M.Frank charged with the murder of Mary Phagan.

"I am well acquainted with Jimmie Wrenn, he having worked in the machine shop of the National Pencil Factory at the same time I was in their employ.

"On a Sunday morning not long after the trial of Leo M. Frank, Jimmie Wrenn met up with me at or near the corner of Marietta and Forsyth Streets and entered into a conversation with me about the Frank case. We walked down Forsyth Street to the corner of Trinity Avenue and stopped there for a little while. Just before we separated, Jimmie said to me 'Barrett, you are in a good position to make a barrel of money if you will go to New Orleans and change your statement in the Frank case.' I asked him: 'What do you want me to do?' and he replied, 'I want you to go to New Orleans and change your statement in the Frank case.' I said 'Jimmie, whom are you working for?' And he replied 'For Mr. Burke.' I did not then know Mr. Burke or what Mr. Burke he had reference to. Before I left him, he said 'Barrett - if you don't want to do this, don't tell anybody. If you do, tell me first and give me a chance to leave town.' We were together there only a short time after this, and I left him. Pretty soon after this conversation at the corner of Forsyth street and Trinity Avenue, Jimmie Wrenn came out to my house early one morning. I was just leaving home and had walked down toward the carline. Jimmie called me and I

waited for him. He came up and said 'Barrett, you haven't said anything to anybody about that yet, have you? I told him No. He then said 'Well, don't tell anybody about it; but if you do, let me know before you tell, so I can leave town.' I probably said 'Allright' - I do not recall positively.

"This was the last of the matter between Jimmie and me until just before or about the time the Supreme Court rendered its decision in the Leo M. Frank case. Early in 1914 - I think it was in February - Jimmie Wrenn met me in the post office in Atlanta. He asked me if I wouldn't like to make \$4.00 a day for about 6 days and my expenses to New Orleans and return. I asked him what to do. He replied he was working for a press agent from Chicago who was going to write a book on the Frank trial; that this man, the press agent, wanted to get a statement from every witness who testified at the trial. I told Jimmie I would go and he said for me to meet him at the Terminal station at 3:30 P.M. the following Saturday afternoon, which was the next day. He said he would have passes for us. According to my promise, I met him at the Terminal station the next day at 3:30 o'clock in the afternoon, and he showed me two passes to New Orleans and return. I told him I would have to go home first before I could get off. He handed me a one dollar bill saying 'Here's a dollar for car fare. Hurry back.'

"Instead of going home, I went to Solicitor General Dorsey's office to report this to him, but he was out of the city, I was told. I gave the information to Mr. E.A. Stephens, an assistant to Mr. Dorsey, who advised me not to go to New Orleans. He advised me to delay the trip and talk it over with Mr. Dorsey on his return.

"When I went back to Jimmie at the corner of Madison Avenue and Mitchell Street, we walked down to Whitehall and Mitchell. I told him I could not go. He said 'Well, if you are scared, Mr. Kelly will be in Atlanta Monday and I will carry you around to the Kimball House to see him, at 2 o'clock in the afternoon.' Mr. Kelly was the name of the man he said was the press agent from Chicago.

"I met Jimmie at the ~~xxxxx~~ Fourth National Bank corner at 1:30 Monday afternoon and he said we were thirty minutes too early. That Mr. Kelly would not be there until 2 o'clock. We waited around until 2 o'clock and went up to the Kimball House to a room the number of which I do not recall. Jimmie knocked at the door and a man I did not know opened the door and invited us in. After we got inside Jimmie introduced the man to me as Mr. Kelly from Chicago. This man asked me to have a seat and told me he was a press agent and that he wanted a statement from all of the state's witnesses in the Frank case. I told him to go to the courthouse and he could get my statement. He said that would not do, it would have to come from the witness's own mouth and have his own signature to it before his house would receive it.

"During the conversation, he said 'Barrett - what do you do?' I told him I was a machinist, He say^d 'I have a brother who is the master mechanic at the Southern Railroad shops; I might get you a good job at Hutcherson, Kansas. I know the people there. He asked me if I was a married man, and I told him I was. He said 'Barrett, do you know that I am the man who caught the murderer of Pearl Bryant, in New Castle, Pa?'

"In discussing the blood spots which I testified I found in the Pencil factory, he said: 'When you found that spot it was only a white spot.' He asked me if that wasn't all I knew about it. I told him that when I found it, the white spot was mixed with blood and he replied 'I didn't know that.'

"He tried to keep it uppermost in my mind that he was writing a book and he said 'If you let me win this point you will be rewarded with enough money to get you a handsome house and lot.' At this time we were talking of the spots and whether they were just white spots or had ^{red} been mixed with the white.

"This man said to me 'Barrett, I believe you think I'm trying to trick you.' He added 'If I were to put down a lie and send it to my house they would write back down here and say 'Burke, what in the Hell -----'; then he stopped without finishing the sentence, for he saw he had given himself away. I thought I was talking to a Mr. Kelly from Chicago, but I afterwards found out that this man ^{was} C.W. Burke, formerly a special officer for the South-

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ern Railroad.

"It was getting late by this time so I told him I would have to go as I had some business I must attend to. He had been writing while we were talking. When I was about to go he asked me to read over what he had written and if I found anything in it I didn't like to make a check mark by it. I said I didn't care to do it, but he pleaded with me to just sit down and read it over and check off the part I didn't like. I told him he could write down all he liked and check off what he pleased but that I would check nothing off. I then left him after promising to see him next day, which however, I did not do.

"The above is a true statement of events that transpired and conversations that took place between Jimmie Wrenn and me and also between C.W.Burke (the man introduced to me as Mr. Kelly) and me. During the conversation in the Kimball House between Burke and me, Jimmie Wrenn was in and out the room, coming and going as he pleased. He seemed to be thoroughly acquainted with 'Mr. Kelly' as he called Burke, appearing to be quite intimate and confidential with him.

"The following week after the murder of Mary Phagan, Mr. Dorsey or someone had an electrician to run electric lights down in the basement of the pencil factory and a very thorough search was made in the basement for anything that would throw light on the murder. Those down there were hunting for any clues that might be found. There were in the crowd Mr. Dorsey, a stranger whom I did not know, but understood was a detective, - Mr. Pat Campbell, Mr. E.A.Stephens, Mr. Fleemie Minor, Mr. Dan Goodlin, Mr. N.A.Garner and I think several city officers. Every nook and corner of that basement was searched, every box and barrel moved and every bit of the trash moved. There was not a book or scratch pad down there that we saw or found. Waste paper and trash, when carried to the basement was always piled in front of the furnace and kept there until it was burned in the furnace. It was constantly burned every week, and there was no accumulation of paper and blank books or other kinds of books down there.

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"Becker left there in January, 1913, I think. I understood that he was going to New York with the Fabre Pencil Co."

N.A.Garner testifies by affidavit in substance as follows:

"I am personally acquainted with W.W.Rogers, otherwise known as 'Boots' Rogers. On April 28th, 1914, I had a talk with Boots Rogers and asked him who the other Rogers was that was working for Burns and he said Burns had no other Rogers in the city of Atlanta. He admitted that he was now in the employ of Burns. He also stated that he had not changed or modified in any respect his evidence as given on the stand and it was the truth and nothing but the truth and he would repeat it again.

"Some time along in the early part of the year 1914, probably about the month of February, 1914, I saw R.P.Barrett come to the office of Hugh M.Dorsey, Solicitor General. The Solicitor General was not present. I was directed by the Assistant Solicitor General E.A.Stephens to follow said Barrett. I followed said Barrett and saw him meet Jimmie Wrenn, a man known to me personally, and the brother of George Wrenn who was convicted in the Superior court of a \$30,000 theft of diamonds. I saw Barrett and Wrenn both at Sig Samuels' beer saloon on Mitchell Street, between Broad and Forsyth. Wrenn had a grip. They stood there and talked a while. I am personally acquainted with both of these Wrenn Boys and know that they are brothers."

S.L.Rosser testifies by affidavit in substance as follows:

"On Tuesday morning, April 28th, 1914, while at work on investigating witnesses with reference to the extraordinary motion of Leo M.Frank, I was in search of a negro by the name of Frank Reese. I found said Frank Reese in an alley running from Hunter street between Frazier and Terry Streets, known as Kingley's Alley. I had information that Frank Reese lived in the first house leading from Hunter Street and as I turned in the alley and started towards this house on the right I looked at the end of a little blacksmith shop or old building of some kind on the left, and there stood George Wrenn, Frank Reese and Dan Goodlin standing close together in conversation. I know George Wrenn, the man convicted of a \$30,000 theft of diamonds and who has just finished serving a sentence in the Fulton county jail therefor. He was commonly known among the inmates of the jail as 'Dr. Wrenn.'

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This said George Wrenn or Dr. Wrenn being the brother of Jimmie Wrenn, - said Jimmie Wrenn being the man who has been assisting C.W.Burke, - said C.W.Burke being a witness signing the affidavit of C.Burtis Dalton in Florida and the notary public purporting to attest what purports to be an affidavit from an old negro woman by the name of Mary Rich."

Dan M. Goodlin, Jr. testifies by affidavit in substance as follows:

"On Tuesday the 28th of April, 1914, I went in company with Charles Sigels, whom I had arrested on a warrant from the Municipal court of Atlanta, to the vicinity of Butler street and Fraser street. We went there to look for a man who had agreed to go on Sigels' bond. We found the man we were looking for and all three of us stepped into a blacksmith's shop to fix up the bond. Just as I came out I saw a young negro boy by the nickname of "Peavine", - and he said 'You scared me; I thought you wuz comin' after me.' And then I said: 'Where do you live?' He pointed to where he lived. I then said 'Well, I'll know where to come when I want you.' George Wrenn had been standing nearby, in front of Peavine's house. Just then he came up to me and asked me something about how the sheriff's race was coming. About that time Bass Rosser walked up. There was no conversation at all between myself and George Wrenn or Peavine about the Frank case or anything connected with it. We just had a few casual words conversation."

George W. Epps, Jr. testifies by affidavit in substance as follows:

"I am the George Epps who testified in the trial of the case of the State of Georgia vs Leo M. Frank. Since signing an affidavit this morning with reference to what occurred in Birmingham, Ala., I have seen on the street the man who took me from Atlanta, Ga. to Birmingham, and who passed with me under the name of Terry. I picked him out on the street at a bootblack stand near the corner of Hunter and South Pryor Streets. I spoke to him and he spoke to me. I called him 'Mr. Terry.' I am positive that he is the man. I never knew him under any other name except the name Terry. Mr. N.A. Garner was with me at the time I saw him and addressed the man as Jimmie Wrenn, and Terry asked:

16 'What did you call me, Kelly?' I said 'No, I didn't call you Kelly; I called you Terry - the name you gave me.&'"

Fred Perkerson testifies by affidavit in substance as follows:

"My name is Fred Perkerson. I am employed by Mr. J.J. Woodside. About the latter part of the summer of 1913, I was sentenced to serve a term in Fulton county jail for drunkenness on the ~~pub~~ public highway and I served this sentence at the county jail and for practically this entire time I was allowed the freedom of the jail as a jail trusty, as the prisoners serving sentences are used to do the labor around the jail.

"There was also a white prisoner serving a jail sentence whom the prisoners knew as Dr. Wrenn, as he helped the county physician and gave the sick medicines and looked after them when the county physician was not present at the jail. I have seen several of his brothers visit him at the county jail but their names I do not know. I have shined their shoes for them when they visited him at the jail. I have seen Jewish friends of Mr. Frank give Dr. Wrenn cigars and buy him drinks and I have carried papers from the jail office up to Mr. Frank, and Dr. Wrenn would sometimes request me to ask Mr. Frank to let him have some of the papers to read, when Mr. Frank got through reading them, and I have told Mr. Frank of this request of Dr. Wrenn and have carried some of the papers from Mr. Frank's cell to Dr. Wrenn.

"While I was there I often carried meals to Conley's cell and also cleaned up his cell for him. Dr. Wrenn has talked to me and Frank Reese, who was also serving a jail sentence and who was also a trusty and who had access to Conley's cell and who helped clean up his cell at times. Dr. Wrenn would talk to us usually when Deputy Gilleland would go to the front to get his dinner. Dr. Wrenn told us that we had good chance to make some money. He said that both of us could go into Conley's cell wing together and then come out and say Conley had confessed to us that he had killed the girl. He told us that we could get lots of money for this, - that the Jews would pay us well if we would do this. He told us that we would get out of jail after Christmas at the end of our jail sentences and that we would have no money and that this was our chance to get some money.

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"Both of us told him we wouldn't do this; he stated that Conley was not any relation to us. He said all you want is the money when you get out. He said he would soon be out smoking good cigars and we would be broke. I remember he talked to me at least a half dozen times about this, sometimes talking to me by myself and sometimes to Reese and myself.

"I remember at one time Dr. Wrenn was talking to Conley in the presence of myself and Reese, and he told Conley the thing for him to do when he got his sentence was for him to take the murder on himself and in this way free Mr. Frank. He told Conley that he would only get about 6 or 12 months sentence and maybe that in jail and that he could never be tried again and that if he would take this murder on himself, that Mr. Frank would go free and that Conley would get a lot of money for it and that he could never be tried for it. Conley declined to do this. Dr. Wrenn was in Conley's cell wing very often. I have been looking for him at times to get medicines for some sick ~~prisoner~~ prisoner and find him in Conley's cell.

"I told Dr. Wrenn finally when he kept on after me to tell that Conley had confessed to me that I didn't see why Dr. Wrenn did n't do this himself; I told Dr. Wrenn that he had as much opportunity as I had to go in Conley's cell and he could swear that Conley had confessed to him as well as I could that he had confessed to me. Dr. Wrenn replied: 'You're a damn fool > I am not going to get mixed in it.' I told him I wouldn't get mixed in it either. He said 'You negroes are damn fools; when you get out, money will be brief; when I get out everybody will have money.'

"I knew Annie Maud Carter; she was a prisoner and was turned loose on the run around or round the jail as a trusty by deputy Roberts to wash clothes and clean up the hospital. Her work was on the fifth or hospital floor and in the laundry, on the 4th floor. She was turned loose every morning by Deputy Roberts and she was locked up by Deputy Allen when he came on duty every day about 3:30 P.M. Deputy Roberts had charge of the cleaning up of the jail and the laundry work and Annie Maud Carter was under his control and direction until 3:30 when Deputy Allen came in and she was then locked up.

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"I have seen Dr. Wrenn and Annie Maud Carter talking together just in the same manner as he had talked to ~~me~~ us. I could not hear