

# MAY CALL BURNS BEFORE GRAND JURY

## Court Expected to Bond Detective to Testify on Bribery Charges.

### AFFIDAVITS ARE DEFENDED

#### Frank Counsel Submit Others Rebutting Prosecution—Woman Denies Conley Owned to Murder.

Special to The New York Times.

ATLANTA, Ga., May 5.—There were strong indications to-day that Detective William J. Burns will be detained under heavy bond as a material witness before the Grand Jury in its investigation of bribery charges made by the prosecution in the Frank case against the defense, whose method of obtaining affidavits to exonerate Frank of the murder of Mary Phagan and to convict the negro, Jim Conley, of the crime have been called into question. Mr. Burns is at present in Oklahoma City, where he is testifying in a Government land case.

His lieutenant, Dan S. Lehon, Superintendent of the Southern division of the Burns service, was ordered held by Judge Hill yesterday and put under a bond of \$1,000, which was given at once.

Solicitor Dorsey, asked if any further arrests had been proposed, stated that no more were likely until the return of Mr. Burns, when action would, in all probability, be taken against him to force his appearance before the Grand Jury.

Mr. Dorsey rested his case shortly after noon to-day at the resumed hearing of the defense's motion for a new trial for Frank, and the defense began submitting its rebuttal testimony. Numerous affidavits were introduced to show the genuineness of disputed affidavits and evidence attacked by the State in its counter showing.

Nelle Wood, the young girl witness accused by L. P. Eubanks on the stand yesterday, asked Solicitor Dorsey to let her speak in her own defense, and the request was granted by Judge Hill. Examined as a witness to-day, she said that she had been engaged to be married, and that Eubanks's "scandalous story had practically ruined her." She reiterated that she left the National Pencil Factory because Frank insulted her, and she asked to be excused from reciting details of the alleged offense.

#### Poison Plot Against Conley?

Charges of a poison plot which had Jim Conley as its intended victim were made by Annie Maud Carter, the negress who made an affidavit for the defense, alleging that Conley had confessed the Phagan murder to her.

The Carter woman, who was recently in jail for robbery, swore in an affidavit made public to-day that considerable liberty was allowed to her at the jail, and that one day while walking past Frank's cell block one of Frank's friends came to her and asked her if she wanted to get rich "right quick." She said that the man asked here if she ever visited Jim Conley's cell. She said she answered that she was going there then. Thereupon, according to the affiant, the friend of Frank said, in effect:

"Take this vial and be mighty careful of it. Don't get any of it on you. It is dangerous. Just put a drop in the food that is given Conley."

The woman said she replied that she did not want to have anything to do with killing anybody, and that Frank's friend said that she should not care anything about one negro less, especially who had put the Phagan crime on Frank.

She said she did not know this man's name, but that he had black hair and wore his hat pulled down over his eyes. She said she had seen him in company with a man by the name of Pappenheimert, and that he had come to Frank's cell with the Kline boys.

The affiant also repudiated the letters reputed to have been written to her by Jim Conley. She said Conley had written her, but that there was nothing of vulgarity in his letters as appeared in the notes submitted by the defense as written by Conley.

She said that Deputy Gilleland had offered her \$2 to go into Conley's cell and get from him his whole story of the crime and to see if he would admit to any deeper complicity than that to which he had already testified at the trial. She declared that she went into Conley's cell, but that the negro told her he had spoken the truth on the stand and that he knew Frank killed the girl. She denied that she learned that Conley was abnormal.

The affidavit of Aaron Allen, colored, told of the alleged efforts on the part of Detective Burns and his agents in Chicago to get him (Allen) to swear he had heard Conley confess to the murder of Mary Phagan. He told a sensational story about being left alone in a room of the Burns Agency in Chicago with a great pile of money in silver and greenbacks spread out on the table, which he swore he never touched.

Affidavits were also read by the Solicitor from Charles A. Isom, who said he was employed by the Burns agency to go to Chicago and get a statement from Allen.

#### Frank's Wife as Burns Aid.

The father and mother of Monteen Stover swore that agents for Frank's attorneys had tried to get their daughter to repudiate the evidence she gave against Frank at the trial. They swore that Mrs. Frank and Rabbi Marx came to their home and arranged for an interview between Monteen and Burns; that Burns came out that afternoon, accompanied by Rabbi Marx and Mrs. Monteen; that Burns sought to interview Monteen about her visit to the pencil factory on the day of the murder; that she replied to him by suggesting that if he wanted to obtain testimony he could get it by going to the Solicitor; that Burns appeared very angry; that he turned to Mrs. Frank and remarked, "You are up against it; you will have to bear the thorns."

Mr. Dorsey also introduced affidavits from George Epps and about a dozen

others, all alleging attempts to bribe and intimidation by agents of the defense.

The defense at once began reading a large number of affidavits in vigorous denial of the prosecution's charge that bribery had been used in the effort to clear the prisoner convicted of the murder of Mary Phagan.

In the affidavit of James I. Innis, a banker and handwriting expert of Chicago, the defense brought forward its strongest evidence that the letters written to Annie Maud Carter and credited to Jim Conley are in the negro's handwriting.

C. W. Burke, Burns investigator, admitted the use of certain subterfuges in gaining the affidavits of some witnesses for the reason that he believed he would be unable to get at the truth otherwise. He denied offering C. Burtus Dalton a \$100 bribe for the repudiation of his testimony on the stand, or that he promised Dalton a job on the railroad and to get him a pass from Jacksonville to Atlanta, Dalton, he said, made his affidavit of his own free will, without receiving any undue suggestion as to its statements.

#### Witnesses to Carter Affidavit.

Swearing that Annie Maud Carter was under no coercion and told of her own accord the story of Jim Conley confessing to her the murder of Mary Phagan, six witnesses signed an affidavit relating that they had heard the woman tell the story and witnessed her swear to its truthfulness in the office of Herbert and Leonard Haas. The affiants were J. Knight, the notary; Rabbi David Marx, Isaac Haas, Isaac Schoen, B. Wilbur, and Otto Schwab.

An explanation of the withdrawal of the affidavit of Samuel A. Pardee, a strong alibi witness for the defense, was offered in an affidavit signed by Frank H. Nealy, who said that Pardee had told him that he had been bothered beyond endurance by Pat Campbell, John Starnes, and other city detectives, who continually sought to make him change his testimony. Later Nealy said that he met Pardee, and that Pardee told him that he was going to the Solicitor's office. The withdrawal of the affidavit followed.

An affidavit signed by Austin G. Denison, a Notary of New York, related that he had taken the affidavit of Miss Ruth Robinson in his room at the Wine-coff Hotel, an affidavit which Miss Robinson subsequently denied as a forgery. He said that she swore to it in the presence of Burke, who, however, was not present while Miss Robinson was dictating the statement to him.

J. O. Knight, a notary public, swore to an affidavit to the effect that he took Jimmie Mayfield's testimony, and that the affiant vouched for the truth of the affidavit later repudiated. He swears that Dan Lehon, C. W. Burke, and Herbert Schiff were present when it was made.

B. Wildauer testified in an affidavit that on Friday, May 1, he met J. C. Duffy on Marietta Street and showed him the affidavit in which Duffy recanted his testimony, and that Duffy declared it was totally true. He says that Herber J. Haas was with him at the time and heard Duffy vouch for the truth of the document.

While testimony was being heard relative to the McKnight phase of the case, Attorney Rosser made a veiled accusation that McKnight had been paid to retract his repudiation of his evidence which he recently did upon coming to Police Headquarters and appealing for protection. McKnight is still locked up voluntarily at headquarters.

Rabbi David Marx made the following denial of the affidavit of Mary Rich, alleging that he, Mrs. Frank, Burke, and Lehon attempted to persuade her to give false testimony.

"Her statement is a deliberate falsehood. At the request of Mrs. Frank I accompanied her to the place where Mary Rich has her stand. The purpose of this call was not to intimidate or coerce the woman nor to persuade her to anything that was not right or proper. It was to ascertain if the story which had been widely circulated that she had sold Jim Conley a lunch near the National Pencil Factory's alley on the afternoon of Memorial Day last year was true, and if true, whether she would make affidavit to this fact. The woman was urged to tell only the truth, the whole truth, and nothing but the truth.

"She declared that Jim Conley had bought a 20-cent lunch a little before 2:30 o'clock on the afternoon of that day, and at the place where she has her stand, which is near said alley. She said that she knew the time because a gentleman going toward the Terminal Station with a grip in his hand told her the time and that Conley had just left her stand. She further stated that she would sign nothing because the publicity which had been given her had injured her business, and she had sworn not to sign anything, but that she would tell the truth in court. At no time was she asked, nor was it suggested to her by any one in the party, to do anything except tell the truth. She refused to make the affidavit asked for, but insisted that it was the truth, and because it was true she said it then and would always say it. Mrs. Frank told her that her affidavit might be of service, but she said: 'I have sworn not to sign anything, but if called into court I will say just what I have said to you.'

"I understand that she certified to this very thing she told us before the Commissioner appointed by the court to take her deposition."

#### New Evidence by Defense.

At the resumption of the hearing tomorrow the defense will introduce some new evidence bearing on the Epps, Isom, and Allen affidavits introduced by Mr. Dorsey to-day, and will then close its case. As Solicitor Dorsey has said that he will, in all likelihood, have no further evidence, arguments on the retrial motion will begin to-morrow.

Two of the men named in affidavits read by the solicitor gave out interviews to-day denying flatly the charges made against them. Arthur Thurman, lawyer for the preacher, Ragsdale, said that the latter was "lying in every particular" where he had involved Thurman in obtaining the "confession" affidavits and in paying the two sums of money—\$200 and \$100—for them.

George Wrenn was the other witness to enter a denial of the charges made against him in the affidavits submitted by the Solicitor. Wrenn said that he never had been in Conley's cell to persuade the negro to take the blame for the crime so that Frank might be freed or represented to Conley that he might have to stay in jail only about a year any way, and after that would have a lot of money. He also said that the affidavits of Fred Perkinson and Frank Reese, negro convicts, were false where they charged him with forming a conspiracy by which they would represent that Conley had confessed the murder to them.