

what was said between them. I have seen them talking together a good many times. Dr. Wrenn roomed in the hospital where Annie Maud Carter cleaned up, and the medicine room was also on the fifth floor, and it was in this medicine room where Annie Maud Carter did her ironing. She did the washing for Dr. Wrenn.

"I saw Annie Maud Carter start into Conley's cell wing one day and we called to her and told her she would be looked up if she went in there and she stopped at the door and talked to him. I never saw Annie Maud Carter go into the cell wing of Conley. "

Mrs. George W. Jefferson testifies by affidavit in substance as follows:

"I am working for the McClelland Bakery company on Hunter Street. I was in attendance as a witness on the trial of the State vs Frank for 2 weeks and went on the stand on Thursday.

"On Monday after the trial I went back to the Pencil Factory and went up to see my forelady and she told me they had given my machine away. And I went to see Mr. Darley, and Mr. Darley said that he did not understand that the firm intended to lay me off but that he thought I misconstrued the thing and didn't tell the truth and would rather I would go back to Mr. Dorsey and say that I swore an untruth about the strings at the factory and about the blood spots on the floor. I told him I could not do that - that I had sworn the truth and nothing but the truth. He gave me back my job on Tuesday and I went back to work.

"As I swore on the stand, the strings with which pencils were tied were always kept in the polish room, but the morning I went back to work after the trial, Mr. Darley called my attention to strings hanging around in the metal room and all around in the building and I said I never had seen any strings in there before, and Mr. Darley said : 'Well, they had been there and I probably never noticed them.' But I never had seen any strings before except in the polish room, where a few were kept.

"My forelady Mary Pirk also insisted that I had not told the truth on the stand and tried to get me to state that the stains might have been paint spilled there by some of the girls, - but I stated to her, as I swore on the stand, that paint had never been carried into the metal room that I ever saw and I had been there ~~for~~ 5 years.

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"When I went to Mr. Dorsey's office to have my subpoena signed so that I could get my money - this being on Saturday after the trial - Mr. Dorsey stated to me that people all over the state had been sending him produce of different kinds, - tomatoes, melons, corn, etc.; he had a cake there that someone had sent him and asked me if I would like to have some, and gave me the cake which I ate and found to be very nice indeed, and enjoyed.

"After I went back to work, the Pencil Factory people let me alone for three or four weeks, after I had refused to change my testimony, until just after Christmas Mr. Burke came to me and wanted me to sign an affidavit. I told him that what I swore on the stand was the truth and I would stick to it. He said 'Mrs. Jefferson, would you answer that that blood could have been on the floor on Friday before Mary was killed?' And I says: 'No, I couldn't swear that I couldn't swear anything about it because I never had seen it there before; but I could swear I saw it there on Monday morning after she was killed.' He says: 'The alleged blood spots could have been there on Friday?' And I said: 'If they were there I didn't see them, but I couldn't swear that they were there or were not there; but I did see them Monday.' He said that that paper was only a statement for the office of Rosser and Arnold but wasn't an affidavit, and I signed it. I said that I didn't want to sign it if it would get me in any trouble, and Burke said: 'Why, you wouldn't mind signing it if it would help Mr. Frank and help you keep your job, would you?' I understood that the paper had in it just what is related above.

"When Mr. Burke was talking to me he laid a great deal of emphasis on the cake Mr. Dorsey had given me, and asked me if I knew Mr. Dorsey intimately; was I very intimate with him, and I told him no indeed, that I had never seen him before the trial but once and that I only knew him in connection with the trial.

"I did not swear to this paper which I signed but merely signed it, thinking it was only a statement.

"On the 19th of February, after Mr. Frank didn't get a new trial, - I was laid off. Mell Stanford, who testified for the state, was also laid off some little time before I was.

"Last Monday afternoon Mr. Dan Lehon also came to see me,

20 and told me he had an affidavit he wanted to get me to sign for an extraordinary motion for new trial. I said: 'Wait a minute; I don't sign anything unless I read it.' It didn't read like I said it and I wouldn't sign it. I told him I didn't sign anything I didn't know what I was signing. He asked me if I wanted to see Mr. Frank hang. I told him if he was innocent I didn't, but if he was guilty, I did. I was so mad I wouldn't talk to him any more. "

Mrs. H.W. Edmondson testifies by affidavit in substance as follows:

"In reference to the evidence of Mr. W.J. Burns before the court on Saturday, May 2nd, 1914 in which he claimed amongst other things, that my daughter Monteen had failed to interview him at any time, is untrue. Mrs. Leo M. Frank came to my home in company with Rabbi Marx, and arranged an interview between my daughter Monteen and Mr. W.J. Burns for four o'clock that same afternoon; and at four o'clock Mrs. Frank, Rabbi Marx and W.J. Burns came to our home. My daughter Monteen and myself were present at the interview. Mr. Burns apologized to Monteen for the treatment she had received at Mr. Samuel Boorstein's office and said he had nothing whatever to do with it; said he was called over there after she got there. He told Monteen that he wanted her to tell him just how she went to the factory and back and she replied that she had already told it and if he wanted to see it, to go to Mr. Dorsey's office and he would show it to him. This made Mr. Burns very mad because Monteen would not go over the occurrences for him, and he turned and spoke to Mrs. Frank and said 'You are an unfortunate woman; you are up against it; you will have to wear the thermal it might as well be you as anybody.'

"When Mrs. Frank was here in the morning, she told me that a lot of people censured her for not going to see Mr. Frank at first but she said the reason she didn't go was on account of family affairs.

"When Monteen told Mr. Burns he could go to Mr. Dorsey's office and see what she said at the trial, Mr. Burns said: 'Are you sure he will let me read it?' and I said 'No, sir, I am not sure, but I suppose he will.' "

Mrs. H.W. Edmondson testifies by affidavit in substance as

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"About three weeks ago on Friday before Mr. Burns went to New York on his last trip, Mr. Samuel Boorstein, a lawyer, sent for my daughter Monteen, to come to his office. He said he just wanted her to make the same statement to him that she made on the stand at the trial of Leo M. Frank; that he did not hear the evidence then and had not heard it and he wanted to hear her statement personally because he felt a great interest in the case and because he was a friend of the family. Mr. Edmondson thought he was a friend to us all. We consented just because of that friendship and asked Mr. Boorstein if there would be anyone else there, and he gave me his word of honor that no one would be there except us, so I decided to let her go up there, and I went with her; and Mr. Edmondson went with us. It was about 12 o'clock noon when we left home and we went right to his office and there was no one in his office when we got there - not even Mr. Boorstein himself; but he came in a few minutes later, and the first question he asked Monteen was 'if she had ever been to school any.' Then he went on and asked her a thousand questions, some of them relating to the case and some of them didn't touch it. He asked all about the boarding house I was running and he asked Monteen 'if she didn't go to the pencil factory that Saturday for some other purpose than just to get her money.' We were in Mr. Boorstein's private office and we had been there for a long time, and I told Mr. Boorstein I would have to go home; that it was time I was going home, and then Mr. Boorstein asked us not to go then - to wait awhile and to have an ice cream soda or something; and we talked on for a few minutes, and Mr. Edmondson spoke up and said I would have to go home and that seemed to hurry Mr. Boorstein and he commenced asking questions just to hold us, and in a minute or so in came Mr. Burns. I knew it was Mr. Burns because Mr. Boorstein said: 'Why, howdy, Mr. Burns.' And I said: 'Monteen, we will not be done this way; if that man wants to talk with you, he will have to talk with you at home;' and I went out of the private office into the outer office and I looked back for Monteen, and the lady stenographer had shut the door and told Monteen she would have to stay, and I told her she didn't have to stay and I took hold of the lady stenographer (if she was a stenographer) and slapped her

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and told her that Monteen would come out too; and I opened the door and got Monteen and we come on out of the office, and Mr. Boorstein ran out and followed us to the elevator and insisted on having Monteen come back and that girl followed us out there and said 'Come back; you don't have to answer any questions if you don't want to.' And I caught the elevator and come on down and in a few minutes Mr. Edmondson caught up with us and we went on home. Nobody said anything to us outside of the office except Mr. Boorstein and that lady in the office but there were half a dozen or more men out there, but I didn't know them; and there were two men in Mr. Boorstein's outer office who were newspaper men. There was no one in the private office except Mr. Boorstein, Mr. Burns, Mr. Herbert Haas, Mr. Edmondson, Monteen and myself and Mr. Raubin."

Monteen Stover by affidavit, testified that the facts stated by Mrs. H.W.Edmondson were true.

Mr. H. W. Edmondson by affidavit, testified to the same facts as Mrs. H.W.Edmondson, and in addition that:after my wife and daughter left Mr. Boorstein's office, Mr. Boorstein, Mr. Burns, Mr. Herbert Haas, Mr. Raubin and myself were in the office and Mr. Burns says to me 'Do you believe Monteen went to the factory that day?' And I said 'Yes, sir; I know she went.' And Mr. Burns replied: 'She didn't go to the factory and I have evidence to prove that she didn't.' And I thought and believe yet that he said that to draw me out to say something against Frank, and I just composed myself and let it go at that and went on out of the office and caught up with my wife and daughter and come on home; and I haven't seen Mr. Burns since. This happened on the Friday before Mr. Burns went to New York, about 3 weeks ago."

C. A. Isom testifies by affidavit in substance as follows:

"Some time about the latter part of March or the first of April, 1914 I met C.W.Burke. Burke was at work on the case of the State vs Leo M.Frank. He asked me to try to locate a negro by the name of Mark Wilson and also another negro by the name of William Calhoun, also a negro by the name of Ed Whatley. Burke stated that these negroes Wilson and Whatley were working at the time Mary Phagan was killed in a livery stable next door to the National Pencil Company's place of business and he wanted to show by them that they

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heard a girl crying in the National Pencil Company's place of business about 2:30 o'clock in the afternoon, in the basement. He said that they wanted to find William Calhoun to show by him that the detectives had him down at the station house to talk with Jim Conley. He said that Conley stated to the detectives that he could show by Calhoun that he didn't pull the staple on the basement door at the basement of the factory and that if the detectives found Calhoun and had him down there and confronted him and Conley, that Calhoun would swear that he, Jim Conley, did not pull the staple. The detectives, said Burke, got Calhoun and had him down, but Calhoun stated that he did not know Conley. Burke said that Calhoun might know a whole lot and he wanted to get hold of him. Burke promised to pay me and did pay me while trying to locate these negroes - three dollars a day. I found out and reported that Mark Wilson had gone to Virginia. I found out at the home of William Calhoun that he was at 4232 Wabash Avenue, Chicago. I found that Whatley had been in the chaingang. I went to the chaingang and found that he had just gotten out, which I reported to Burke, and then I discovered that he had been living in Dovers Alley in Atlanta; and then I dropped that part of the investigation.

"I am personally acquainted with one Jim Wrenn. Jim has been working with C.W.Burke on this Frank case and is at work on it now. I received a note about the first of April from Wrenn, telling me to see Burke. I saw C.W.Burke and he wanted me to go to Chicago to get an affidavit from Aaron Allen, a negro that I had known in Atlanta. Burke also stated that he wanted me to talk while in Chicago to William Calhoun. I was paid three dollars a day and given one hundred dollars to cover expenses on this trip. Burke said he wanted to show by Allen that he had been in the cell with Jim Conley and that Conley had confessed to him that he murdered Mary Phagan. Burke said that Mike Jacobs, a Jew living in Atlanta, had been up in Chicago trying to get this affidavit. He also stated that Stiles Hopkins, an attorney in the office of L.Z.Rosser, one of Frank's attorneys, was then in Chicago. Burke said that Allen was sore with Burns' men and didn't know those men and that if it took any dinners, cigars and setting up, for me to use whatever money was necessary

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to get Allen in a good humor. Burke said 'Tell Allen that the detectives and Dorsey will all be down and out and we will be up; so don't be afraid on their account and make an affidavit.'

"I left Atlanta on April 2nd, 1914 and arrived at Chicago on April 3d. I went to the office of W.J. Burns' Detective Agency in Chicago in the Transportation building. I met there Aaron Allen. Allen told me that Burns' crowd had arrested him in Indianapolis and had brought him to Chicago. Allen furthermore stated that he had consumption and was nearly dead and had been in a hospital about six months in Indianapolis. Allen came into Burns private office and there I talked to him alone. Allen told me he was not in the cell with Conley at all and did not know Jim Conley and never spoke to Jim Conley in his life. Allen further said that no detective had ever spoken to him about Jim Conley until he was approached some time recently in Indianapolis, Ind. by one of Burns' men.

"I talked with Allen two hours, and after my talk with Allen I personally reported to W.J. Burns that Allen said he didn't know anything at all about the matters that Burke had instructed me to ask him about, and that he didn't know Conley and that he had never talked to any detectives about Conley except at Indianapolis. Burns throwing his hands out to oneside, said to me 'Well, why did he leave Atlanta?' I said to him: 'Allen tells me that he left Atlanta of his own free will and accord.' Burns then said 'Well, where did he get hold of three hundred dollars?' I said 'Allen tells me that he got that money selling whiskey and running a gambling house.' Burns said 'He is a God Damn lie and just loyal to the police and he is afraid that if he goes back there, they will jump on him.' Then Burns said 'Go on back and talk to him again; you can make him come across.' I told Burns that I was hungry and was going out to get a lunch and I then left and was gone about an hour and a half. When I got back to Burns' office after lunch I found Allen locked in a little room in the rear of a larger room on the door of which was printed 'Fire Escape.' In the room where I found Allen was a large cage, which one of Burns' negro detectives showed me could be set up in a very short while, made to resemble a cage in a jail. I talked to Allen in this room. Allen on this second visit told me: 'Mr. Isom, I will make that affidavit, but it will be a lie.' I told Allen I didn't want him to make this affidavit unless it

W.J.

was the truth. I then went in and told ~~Mr~~ Burns that Allen said he would make that affidavit but it would be a lie. Then Burns said 'I will talk to him in a few minutes.' In a few minutes Burns went back and got Allen and brought him in his office. Burns then said to Allen 'You God damn bastard; you are just loyal to those policemen and you are telling me a damn lie and you just as well come on across and tell me all about it.' After this the door which led into Burns' private office was closed and I heard loud talking but could not understand what was said. I afterwards came from Chicago to Chattanooga on the same train with W.J. Burns; and the next morning on the sleeper Burns told me that Allen gave him the very affidavit that he wanted after I left Burns' office that night.

"While I was in Burns' office talking to Allen, on the day I got to Chicago, Burns was talking to William Calhoun in the next room. Stiles Hopkins came out of the room in which Calhoun was, for the purpose of talking to me in the hall, leaving the door open into Burns' room. When he opened the door I recognized Burns' voice and saw Calhoun, and I heard Burns say: 'You are a damn liar, you bastard, you!' Calhoun told Burns he was not at the station house in Atlanta and that the detectives had never talked to him about Jim Conley and that he did not know him. 'This man's name was never mentioned to me until your men came out to my house the other day' Calhoun said. Hopkins passed out of the room in which Burns and Calhoun were, into the hall, and said to me: 'Don't say anything to anybody about my being here. Don't tell Allen that I am here.' Hopkins said that Burns' son said that Allen wanted to talk to him, and Hopkins said 'Tell him that it is not Hopkins who is here, but somebody else' - whose name he gave me but which I have forgotten. I then went back and talked to Allen. A little while after that they let Calhoun go. Burns' son told me that they got an affidavit from Calhoun but I did not see it and do not know what it was.

"After Calhoun left a white man went into Burns' office and Burns and Hopkins talked to him. He was in appearance a Jew. I do not know his name. Burns' son afterwards showed me an affidavit which he said was signed by the man that I saw going into the office to talk to Hopkins and Burns. I read the affidavit. It was signed by someone whose name begins with "S", and as I remember it, the

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name was something like 'Stoll'. I am not sure about this name. The affidavit stated that the maker was 28 years old; that he was a citizen of Chicago, Ill. and said that he was with the Salvation Army in Atlanta when the murder of Mary Phagan happened and was at the rear of the National Pencil Factory's place of business on the afternoon of April 26th, 1913. The affidavit said he left because sentiment was so strong that he was afraid he would get into some trouble. The affidavit stated that he told a detective about the matters testified to in this office and that the detective's name was 'Shott' or 'Scott'. That the detective said to him that he, the detective, was running that business and for him to go ahead and attend to his business, and that he, the detective, would look after that matter. The affidavit stated that this man saw, on the afternoon of April 26th, 1913, a tall, black negro come out of the back end of the pencil factory and go up to Hunter Street and buy a lunch from an old negro woman and as he came out of the National pencil factory he dropped a pocket book and a day book which he, the said Stoll (or whoever he was) picked up. There was a pocket book and a day book lying there on the table which Burns' son told me was the one. It was a small, black pocket book, something like a card case, and the day book was longer than the pocket book, black, and had written in the back end of it the word 'Conley' plain, with a little scratching before the word 'Conley'."

The State further introduced the following transcript of the testimony of Leo M. Frank at the Coroner's inquest:

"Q. What time do you say it was when you left the building? A. It might have been a trifle after 1, two or three minutes, four minutes; it was a trifle after 1." On page 59, occur the following questions and answers: "Q. When you went out of the office, 5 minutes after 1 o'clock, tell us where you went, just what direction you took, etc.? A. I went up from the factory to Alabama Street, went up Forsyth to Alabama, down Alabama to Broad and Alabama, and I think I caught a car there. Q. Do you remember the car you caught? A. I think it was a Washington Street car. Q. It came first? A. I don't remember which came first."

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The State introduced the following documentary evidence to-wit:

Certified copy of an indictment against George Wrenn found at May Term, 1912, of Fulton Superior Court, in which it was charged that on the 17th day of April, 1912, the said George Wrenn did steal certain jewelry, a detailed description of which is set forth, of the alleged value of \$28,437.88, the same being the property of S. and H. Gilsey. Upon said indictment was a verdict of guilty dated October 30, 1912, and the sentence by the court that the said George Wrenn serve twelve months upon the Public Works of Fulton County.

The State introduced an indictment found at March Term, 1912, of Fulton Superior Court, against Mell Arnold, L. P. Eubanks and Jesse Duffy, charging the three parties named with the offense of car breaking, in the county of Fulton, on the 12th day of November, 1911, and upon said indictment was an entry signed by the presiding judge, that the same was nolle prossed in open court on the 27th day of June, 1912.

The State likewise introduced an indictment found at March Term, 1912, charging B. B. Bishop, Hal Cline, McHenry Hatmaker, L. P. Eubanks, J. R. Miles and A. L. Jesse, with the offense of car breaking, and upon said indictment is an entry of nolle pross, signed by the presiding judge, dated the 27th day of June, 1912.

The State likewise introduced an indictment found at March Term, 1912, of Fulton Superior Court, against Mell Arnold, John B. Hairston, Paul B. Jarnagan, L. P. Eubanks, A. L. Jesse, Jesse Duffy and Pate Duffy, charging the parties named with the offense of car breaking on November 5, 1911, and upon said indictment is an entry of nolle pross, signed by the presiding judge, dated June 27, 1912.

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The State likewise introduced an indictment found at March Term, 1912, of Fulton Superior Court, against Hal Cline, McHenry Hatmaker, E. F. Durham, L. P. Eubanks and J.

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R. Miles, charging the parties named with the offense of car breaking on the 2nd day of February, 1912, and upon said indictment is an entry of nolle pross signed by the presiding judge, dated June 27, 1912.

The State likewise introduced an indictment found at March Term, 1912, of Fulton Superior Court, against Hal Cline, A. Casey, McHenry Hatmaker, Jesse Duffy, A. L. Jesse and L. P. Eubanks, charging the parties named with the offense of car breaking on February 8, 1912, and upon said indictment is an entry of nolle pross, signed by the presiding judge, dated June 27, 1912.

Likewise the State introduced an indictment found at March Term, 1912, of Fulton Superior Court, against W. T. Smith, J. R. Miles and L. P. Eubanks, charging the parties named with the offense of car breaking on the 3rd day of December, 1911, and upon said indictment appears an entry of nolle pross signed by the presiding judge, dated June 27, 1912.

Likewise the State introduced an indictment found at March Term, 1912, of Fulton Superior Court, against J. H. Hilton, Mell Arnold, L. P. Eubanks, J. R. Miles, A. L. Jesse, and Jesse Duffy, charging the parties named with the offense of car breaking on October 9, 1911, and upon said indictment appears an entry of nolle pross, signed by the presiding judge dated June 27, 1912.

The State likewise introduced an indictment found at March Term, 1912, of Fulton Superior Court, against McHenry ^{Miller} Hatfield, W. H. Fowler, W. R. Winent, J. R. Miles, W. T. Smith, L. P. Eubanks, V. F. Ransome, A. Casey, Hal Cline, E. F. Durham, Jesse Duffy and A. L. Jesse, charging the parties named with the offense of car breaking, on the 13th day of January, 1912, and upon said indictment appears an entry of nolle pross signed by the presiding judge, dated June 27, 1912

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The State likewise introduced an indictment found at

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March Term, 1912, of Fulton Superior Court, against L. P. Eubanks, John B. Hairston, B. Z. Ellis, A. L. Jesse and J. R. Miles, charging the parties named with the offense of car breaking on the 27th day of November, 1911, and upon said indictment appears an entry of nolle pross dated June 27, 1912, signed by the presiding judge.

The State likewise introduced an indictment found at S. L. ROSSER, Sworn for the State. I was with Ivey Jones on Tuesday, April 28, 1914, when he left the office of Dorsey, Brewster, Howell & Hermon in the Tiger Building for the purpose of going to look at a man who had been standing watching the people go into that office for several hours. Ivey Jones pointed out to me Jimmie Raine as being the man referred to in his affidavit, which had just been dictated. I am personally acquainted with said Raine. Raine spoke to me when I was with Ivey Jones and called me by name. Raine was walking up Pryor St. when we saw him.

GEO. W. EPPS, JR., Sworn for the State. I am the George W. Epps who testified in the trial of the case of the State 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 boot-black 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 never knew him under any other name except the name of Terry. Mr. N. A. Garner was with me at the time I saw him and addressed the man as Jimmie Wrenn, and Terry asked, "What did you call me, Kelly?" I said, "No, I didn't call you Kelly, I called you Terry, the name you gave me."

N. A. GARNER, Sworn for the State. I was present with George Epps on the occasion referred to in the affidavit attached and heard everything that was said between George Epps and Jimmie Wrenn. George Epps pointed Wrenn out without any suggestion from me, as being the man who had taken him to Birmingham, by the name of Terry. I am personally acquainted with Wrenn and know that his name is not Terry, but that it is Jimmie Wrenn, brother to George Wrenn.

REBUTTAL ON BEHALF OF MOVANT.

GROUND 1.

DR. H. F. HARRIS, Movant introduced the following testimony of

Dr. H.F.Harris, delivered on crossexamination at the original trial:

"Q.What did he (Mr.Dorsey) tell you to examine? What parts of the body did he tell you to examine? A. He told me he wanted me to examine the case and tell him all I could about it.

Q. Had you, in your own mind, what you were seeking to determine by the autopsy? What did you understand you were seeking? A. There was some question of poisoning at the time I went out there, but I saw at once there was no reason for assuming that. I failed to state on my direct examination that the stomach contents was tested for alkaloid poisoning. There was no poison; of course I dismissed that from my mind; as soon as I saw the girl I saw it was a matter of strangulation."

Q. Did you call in any other chemist to make this examination with you? A. No sir, I did not.

Q. You made it all by yourself? A. Yes.

Q. And kept it all to yourself, did you? A. I did. I told Mr. Dorsey; Mr.Dorsey told me not to tell anybody.

Q. I understand, you told Mr. Dorsey and he requested you not to tell it. Did you call in any other chemist as representing this man, or anybody else, to see any of those things? A. No sir.

Q. When did Mr.Dorsey talk to you about making this autopsy. A. I don't remember.

Q. How long before you made the examination did he talk to you? A. I don't recollect.

Q. Do you recollect when you made the first examination? A. It was on May 5th, if I remember correctly."

GROUND 2 and 3.

J. O. KNIGHT, Sworn for the Movant. On or about the 10th day of April, 1914, as a Notary Public for Fulton County, Georgia, I took the affidavit which purports to be signed by Jimmie Mayfield, in the case of the State of Georgia vs. Leo M. Frank. This affidavit was read by me to said Jimmie Mayfield and she stated that same was the truth after it had been read to her, and after so stating I swore here thereto and she thereupon signed the same. There were present when this affidavit was taken, Dan S. Lehon, C. W. Burke, Herbert Schiff, and perhaps others.

C. W. BURKE, Sworn for the Movant. On the 23rd day of March, 1914, Mrs.Cora Falta made before me, as a notary public, an affidavit which is hereto attached and marked ~~it~~ exhibit A. I read the affidavit over to Mrs.Cora Falta before she signed it, and she stated that it was the truth and she agreed to it just as it now is in its present shape.

(Exhibit A mentioned above is as follows)

"State of Georgia vs (No. Fulton Superior Court
Leo M. Frank) Extraordinary Motion for New Trial.

Personally appeared Mrs.Cora Falta, who upon oath deposes and says that she has worked at the National pencil company, in the
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the City of Atlanta, for almost five years passed.

Further deposing, deponent says that she is acquainted with Leo M. Frank and, also R.P. Barrett, and knew Mary Phagan well, and knew the color of her hair.

Further deposing, deponent says that on Monday, April 28th, she was at the National Pencil Factory, and Magnolia Kennedy called her attention to the hair on a certain machine that R.P. Barrett was alleged to have found there, and at that time she gave it as her positive opinion that the hair on the machine was not that of Mary Phagan, as it was entirely too light to be the hair of said Mary Phagan.

Deponent now states that she is most positive that the hair she saw on the machine could not have possibly been Mary Phagan's hair and that the hair on the machine was much lighter in color than the hair of Mary Phagan.

Deponent further states that during her entire employment at the factory, she never saw Mr. Frank joking with any of the female employees or acting in any familiar manner with any of them; and deponent further states that she never heard any girl or woman say that Mr. Frank had ever made any advances toward any of them.

Deponent says that she makes this statement of her own free will and accord, and without any promise of reward. Aside from this deponent sayeth not.

(Signed) Cora Falta

Sworn to and subscribed before me
this the 23rd day of March, 1914.
(Signed) C.W. Burke,
Notary Public, Fulton County, Ga."

H. G. SCHIFF, R. W. LOEB, EULA MAE FLOWERS, Sworn for the Movant,
We were present when the affidavits of Cora Falta and Jimmie Mayfield were sworn to in the Frank case on or about the 10th day of April, 1914, before J.O. Knight, a Notary Public for Fulton County, Georgia; that the affidavits were read over to each of them and each of them said that the statements contained therein were the truth, and they signed them without making any request for any change whatever.

GROUND 5.

E. D. THOMAS, Sworn for the Movant. I am Chief Judge of the Municipal Court of Atlanta. On January 19, 1914, C. W. Burke, a Notary Public for Fulton County, Georgia called ~~me~~ at my office in the Temple Court Building in the City of Atlanta, accompanied by a negro who swore that his name was Albert McKnight. I attested the affidavit that said Albert McKnight had signed and sworn to on said date above mentioned, and said affidavit was read to said Albert McKnight, who said that every word of it was the truth. I read the affidavit referred to and identify my signature and attestation affixed thereto.

C. W. BURKE, Sworn for the Movant. It is not true that I promised Albert McKnight to get him a job at the Terminal Station where he could make \$10.00 per week and that the tips he would get around there would average \$100.00 per month. I did not ask Albert McKnight

whether he would rather have a job around the Terminal Station than one just making \$28.00 per month. I did not ask McKnight if he (McKnight) could learn to drive an automobile, nor did I tell him then if you would not like the job around the terminal station I will learn you to drive the car and give you a job. McKnight did state after he made his affidavit that he believe harm would be done him by the people at the place he was working and by the detectives, and I did tell him that there was a little negro house in the rear of my house, and if Minola would consent to go to work for me, I would be glad to have her, and that I could protect McKnight if he was living that close to me. McKnight told me that he would be afraid to go back to Beck & Gregg's to work after he had told me the truth and asked me if I did not know of some place where ~~he~~ I could secure a job for him. I told him that I would see Ike Schoen who operated a guano plant in the city and ask Schoen if he could use another man. I did see Mr. Ike Schoen and told him the circumstances surrounding Albert McKnight and asked Mr. Schoen if he had an opening for another man, and Mr. Schoen told me to send Albert around and he would take him to the foreman and if there was any possible chance for him going to work they would as soon have Albert McKnight as anyone else, until they found out that he was worthless, and of they did find out he was not a good workman, they would discharge him. I told Mr. Schoen that of course I expected McKnight to hold the job on his merits. I then informed McKnight in accordance with the above statement and McKnight went to Mr. Schoen's place and McKnight was put to work. I never told McKnight that anyone was looking for him for the purpose of making him a witness in the Conley case. I never told McKnight to leave the city, but as a matter of fact I did not know that McKnight had left the city and did not know where he was until I read in the papers that McKnight had been hurt on a railroad crossing on McDaniel St. I did not know and do not now know that McKnight had a mother living in Stockbridge, Ga. and I never told McKnight to go there. I did call on McKnight at the Fairhaven Hospital after he was injured, and was accompanied by W. J. Burns, Herbert Haas and Dr. Hancock. Burns went over the contents of the affidavit I had taken from

226 McKnight, with McKnight and McKnight told Burns and the others.

that every word he had stated in his affidavit to me was the truth. And while Burns was talking to McKnight I interrupted and asked McKnight to tell Burns and the others what, if anything I had promised him for making the affidavit, and McKnight told them I had promised him nothing, or made any inducement to him of any kind for making his affidavit, that he had simply done so because of his conscience and had hurt him and he was sorry he had lied about Frank. I did not ask Albert McKnight while we were at the hospital if the city detectives had beat him up, but did ask him if he had not been fighting and if it was not a fact that he had gotten injured while fighting instead of being struck by a train. After Albert McKnight made his affidavit to me, he asked me where he could locate me in the event that he, McKnight, should want to see me at any time, and I promptly gave McKnight my business card, explaining that both my office and home phones were shown thereon. But I did not tell McKnight to call me up if he got in trouble of any kind or was arrested at any time. It is true that I explained to McKnight how horrible it was for him to lie when a man's life was involved in it, and while he might fool the people here he could not fool God hereafter, and I stated that I wanted him not to answer me then but to think about it and wait until I came back and then to tell me the truth, and I went back the following day and the affidavit was made.

MINOLA MCKNIGHT, Sworn for the Movant. I was present at my home on Georgia Avenue, City of Atlanta, when C.W. Burke called upon me and my husband, Albert McKnight. I saw and heard C.W. Burke secure from my husband an affidavit setting forth the fact that my husband had testified falsely at the trial of Leo M. Frank and I have carefully read the affidavit made by my husband to said C.W. Burke on January 19, 1914. I recognize in said affidavit referred to just what I heard my husband tell C.W. Burke and just what I heard him swear to on said date above mentioned. Said C.W. Burke did not make any promise of reward of any kind to my husband for making said affidavit. My husband had repeatedly told me, previous to the visit of C.W. Burke, that he had testified falsely at the trial of Leo M. Frank and that he was sorry he had done so, and my husband told me, after he had made his affidavit to said C.W. Burke that he was glad he had made the affidavit to said Burke

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and told the truth, as it had relieved his mind and that he hoped the affidavit would undo the wrong that he had done to Leo M. Frank. The first time C.W.Burke called on me and my husband, the said C.W. Burke did not ask my husband to sign an affidavit, but that he had outlined to Albert the great wrong it was to lie and told him that even though it was possible to deceive the people on this earth, he could not deceive God Almighty. Mr. Burke told Albert on the occasion of his first visit, that he would again come to see him and when Mr. Burke called the second time, my husband made the affidavit referred to here.

DAN S. LEHON, Sworn for the Movant. On Tuesday, April 14, 1914, I was in an automobile with Dan MacIntyre and C.W.Burke and Fred Lynn, who was the chauffeur driving the car. When the streets of Glenn and Pulliam, in the city of Atlanta were reached, we met a negro, who said his name was Albert McKnight and who C.W.Burke said was Albert McKnight. I questioned said Albert McKnight with reference to an affidavit which he had made to C.W.Burke on January 19, 1914, and read said affidavit to him, and said McKnight stated that it was the truth in every respect and that he was ready and willing to sign the affidavit again, if desired. I was in possession of a copy of the affidavit which McKnight had sworn to before C.W.Burke on January 19, 1914; and, after it was read to McKnight it was discovered that McKnight had changed his address and place of employment, and it was decided it would therefore be necessary to write another affidavit, changing the same to his present address and place of employment, before securing McKnight's signature thereto. McKnight told me that as soon as the affidavit in question had been changed with reference to the address and place of employment, he would gladly and willingly swear to same, as it was the truth in every respect. I and the gentlemen referred to in the above part of this affidavit then left said McKnight with the understanding that they would return within a day or two for his signature, which McKnight said he would give. On Wednesday, April 15, 1914, still accompanied by Dan MacIntyre and C.W.Burke, I met the said Albert McKnight in the Terminal Station in the city of Atlanta, Georgia. I had with me a copy of the affidavit which McKnight made to C.W.Burke on January 19, 1914, the only changes being the address and place of employment of said McKnight, and the affidavit was read

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to McKnight, who held up his right hand and swore that every word contained therein was the truth in every respect.

DAN MCINTYRE, JR., sworn for the Movant. On Tuesday, ~~May~~ April 14, 1914, I was in an automobile with Dan S. Lehon and C.W. Burke, and Fred Lynn, who was the chauffeur driving the car. When the streets of Glynn and Pulliam in the City of Atlanta were reached, we met a negro who said that his name was Albert McKnight and who C.W. Burke also said was Albert McKnight. I heard Dan S. Lehon questioning said Albert McKnight with reference to an affidavit which he had made to C.W. Burke on January 19, 1914, and I heard Dan S. Lehon read said affidavit to McKnight, and McKnight stated that it was the truth in every respect, and said that he was ready and willing to sign the affidavit again before me, who am a notary public for Fulton County, Georgia. I was in possession of a copy of the affidavit which McKnight had sworn to before C.W. Burke on January 19, 1914; and after reading it to McKnight, it was discovered that McKnight had changed his address and place of employment, and it was decided it would therefore be necessary to write another affidavit, changing the same to his present address and place of employment, before securing McKnight's signature thereto. McKnight told me that as soon as the affidavit in question had been changed with reference to the address and place of employment, he would gladly and willingly swear to same, as it was the truth in every word and respect. We then left said Albert McKnight with the understanding that we would return within a day or two for his signature, which McKnight said he would give. On Wednesday, April 15, 1914, still accompanied by Dan S. Lehon and C.W. Burke, I met the said Albert McKnight in the Terminal Station, in the City of Atlanta, Georgia. I had with me a copy of the affidavit which McKnight had made to C.W. Burke on January, 1914, the only changes being made therein being the address and place of employment of said McKnight, and I read the affidavit to McKnight who held up his right hand and swore that every word contained therein was the truth in every respect.

FRANK ESKRIDGE, WM. S. ANSLEY, E. V. CARTER, JR., Sworn for the

Movant. We know D. I. MacIntyre, Jr. and know his general character for truth and veracity. The same is good and we would believe him on oath.

FRED LYNN, Sworn for the Movant. On Tuesday, April 14, 1914, I was in an automobile with Dan S. Lehon, Dan McIntyre and C.W. Burke, and I was driving said automobile. When the streets of Glenn and Pulliam were reached, we met a negro who said his name was Albert McKnight and who C.W. Burke said was Albert McKnight. I heard Dan S. Lehon questioning said Albert McKnight with reference to an affidavit which he had made to C.W. Burke on January 19, 1914, and I heard Dan S. Lehon read said affidavit to McKnight and McKnight stated that it was the truth in every respect, and said that he was ready and willing to sign the affidavit again, if desired. After reading said affidavit to McKnight, it was discovered that McKnight had changed his address and place of employment and it was decided by said Dan S. Lehon and C.W. Burke to write another affidavit, changing the address and place of employment before securing McKnight's signature thereto. McKnight told us that he was ready and willing to sign another affidavit as soon as it had been changed with reference to the address and place of employment and that he would gladly and willingly swear to same, as it was the truth in every respect. We then left the said Albert McKnight with the understanding that ~~they~~ we would return within a day or two for his signature, which said McKnight said he would gladly give.

W. J. BURNS, Sworn for the Movant. On Sunday, April 22, 1914, in company with Dr. Thomas H. Hancock, Attorney H. J. Haas, and C.W. Burke, I called on Albert McKnight, who was a patient at the colored hospital known as Fair Haven Infirmary, on West Mitchell Street, Atlanta Georgia. I questioned Albert McKnight regarding the affidavit that McKnight had given to C.W. Burke on January 19, 1914, asking him if it was the truth, and Albert McKnight stated to me that it was the truth in every way, telling me that he had lied in the testimony which he gave on the witness stand at the trial of Leo M. Frank, that he was sorry for the lies he told and that he then wanted to undo all the wrong he had done Mr. Frank, and that he made this affidavit to C.W. Burke of his own free will and accord, without any promise of reward, hoping that the affidavit would be placed in the hands of Mr. Luther Z. Rosser to be used in the interest of Leo M. Frank. Albert McKnight stated to me, then and there, that one R. L. Crayen employed at the firm of Beck & Gregg, hardware dealers in the city

Atlanta, was the man who induced him, McKnight, to swear falsely. I heard C.W. Burke tell McKnight to explain to all present what, if any, offers said Burke made to him in order to secure his affidavit and McKnight replied that Mr. Burke had made no offers to him of any kind, and further said that Mr. Burke had only talked religion to him, and that he had only told Mr. Burke the truth. Before affixing my signature hereto I have carefully read the original affidavit signed by said Albert McKnight, dated January 19, 1914, and recognize in the contents thereof precisely the same statement Albert McKnight made to me and others on the date referred to above in the first paragraph of this affidavit.

JOE THOMPSON, Sworn for the Movant. On Sunday, ^{March} April 22, 1914, I was a patient at the Fairhaven Infirmary, on West Mitchell Street, in the City of Atlanta, Fulton County, Georgia. I distinctly remember that Dr. Hancock, and three other gentlemen visited Albert McKnight at the hospital above referred to, where I occupied the same room with said Albert McKnight. I heard one of the men referred to above, whom I afterwards learned to be Detective Burns, talking to Albert McKnight with reference to an affidavit he had made with reference to the case of Leo M. Frank, and I heard McKnight state that the affidavit he had made to one of the men who was present at the time of the conversation referred to, was the truth in every word and respect and that the said McKnight told Detective Burns that the testimony he gave on the witness stand at the trial of Leo M. Frank was not the truth and that he had been induced to tell lies at the trial by some man with whom he was at work in the city of Atlanta previous to the trial. I also heard one of the men ask Albert to tell all that were present what promises had been made to said McKnight to make said affidavit that was the subject of the conversation referred to, and McKnight stated that he promises had been made to him at all and that he had made the affidavit referred to of his own free will and accord. After the gentlemen referred to left the hospital, I talked with McKnight about the case of Leo M. Frank and about the affidavit which McKnight had made to one of the men present on the date of the conversation referred to, and

231 McKnight told me that the affidavit which he had been talking about with Detective Burns was the truth in every respect, and he also

told me that he had given false testimony at the trial of Leo M. Frank and expressed his sorrow for having done so.

DR. THOS. H. HANCOCK, Sworn for the Movant. On Sunday, March, 22nd 1914, in company with Detective W.J. Burns, Attorney H.J. Haas and C.W. Burke, I called on Albert McKnight, who was a patient at the colored hospital known as Fair Haven Infirmary, on West Mitchell Street, in the city of Atlanta, Georgia. I heard Detective Burns questioning Albert McKnight regarding the affidavit that McKnight had made to C.W. Burke on January 19, 1914, and heard the detective ask him if the affidavit was the truth, and Albert McKnight stated to us that it was the truth in every respect and he told Detective Burns that he had lied in the testimony which he gave on the witness stand at the trial of Leo M. Frank, and that he had made his affidavit to C.W. Burke of his own free will and accord, without any promise of reward. I heard Albert McKnight tell Detective Burns that one R.L. Craven, employed at the firm of Beck & Gregg, was the man who had induced him, McKnight, to swear falsely against Mr. Frank. I heard C.W. Burke tell McKnight to explain to all present what, if any offers said C.W. Burke had made to him in order to secure his affidavit, and McKnight replied that Mr. Burke had made no offers to him of any kind, and further that Mr. Burke had only talked religion to him and that he had told Mr. Burke only the truth. On March 21, 1914, while visiting the ~~Fair~~ Fair Haven Infirmary, and while in conversation with Albert McKnight, the said McKnight voluntarily told me that one R.L. Craven who was employed at the store of Beck & Gregg was the man who had come to him and induced him to swear falsely against Leo M. Frank, and in explaining to me how Mr. Craven had induced him to swear falsely, stated that Mr. Craven approached him and said "Albert, there is a large reward offered for the person guilty of Mary Phagan's murder, and you and I might as well earn the reward as anyone else. McKnight further told me that when he had made his affidavit to the said R.L. Craven, he, ~~Mc~~ McKnight, told his wife Minola of what he had done and McKnight said his wife was very much excited over the statement which he said he had given to Craven and told him it was a lie and further told him that he had better get the statement back, that it would get him in trouble if he did not and McKnight ^{told} me that

he asked Mr. Craven to give it back and Mr. Craven had refused and told him the statement had already been given to the detectives and if, he, McKnight, did not now stick to the story, he would surely get in trouble. McKnight told me that twice during his period of testimony on the witness stand he came very near coming right out with the truth and would have done so had Mr. Rosser kept after him a little longer. He also said that if Mr. Frank was ever tried again that he had told his wife Minola that he would tell the truth and repudiate the falsehood he had told at the trial. I have carefully read the original affidavit signed by said McKnight, dated January 19, 1914, and recognize in the contents thereof precisely the same statement ^I heard Albert McKnight repeat to Detective Burns, myself and others on the date referred to above.

H. J. HAAS, Sworn for the Movant. On Sunday, ^{23rd day of} ~~Monday~~ ^{February} 22, 1914, in company with Detective W. J. Burns, Dr. Thos. H. Hancock and C. W. Burke, I called on Albert McKnight, who was a patient at the colored hospital known as Fair Haven Infirmary, on West Mitchell Street. I heard detective Burns questioning Albert McKnight regarding the affidavit McKnight had made to C. W. Burke on January 19, 1914, and heard the detective ask him if the affidavit was the truth and Albert McKnight stated to us that it was the truth in every way and that he had lied in the testimony which he gave on the witness stand at the trial of Leo M. Frank, and that he had made his affidavit to C. W. Burke of his own free will and accord, without any promise of reward. I heard Albert McKnight tell Detective Burns that one R. L. Craven, employed at the firm of Beck & Gregg, was the man who had induced him to swear falsely against Frank. I heard C. W. Burke tell McKnight to explain to all present what, if any, offers said C. W. Burke had made to him in order to secure his affidavit, and McKnight replied that Mr. Burke had made no offers of any kind to him and further said that Mr. Burke had only talked religion to him and that he had only told Mr. Burke the truth. I have carefully examined the original affidavit signed by Albert McKnight, dated January 19, 1914, and recognize ⁱⁿ the contents thereof precisely the same statement I heard Albert McKnight repeat to Detective Burns, myself and

233 others on the date referred to above.

JOHN MINOR, Sworn for the ^{Movant} State. I am a reporter for Hearst's Sunday American, and as such on the night of February 21, 1914, I

interviewed one Albert McKnight in the Gould Building, in the City of Atlanta, Georgia, and the result of my interview with Albert McKnight appeared in the Sunday issue of the Hearst's Sunday American of February 22, 1914, and said interview correctly appeared therein. I closely questioned Albert McKnight regarding the affidavit referred to, and McKnight stated to me that the affidavit made to C. W. Burke, a notary public, for Fulton County, Georgia, on January 19, 1914, was in every way the truth. I asked him if C. W. Burke or any other person offered him any inducement or reward for the making of said affidavit, and McKnight stated to me that he made the affidavit of his own free will and accord, without any promise whatsoever from C. W. Burke or any other source, and made it simply because it was the truth. C. W. Burke was present and did not in any way interfere with my examination of said Albert McKnight. McKnight stated to me repeatedly that he regretted that he had uttered lies against Mr. Frank and expressed himself as anxious at that time to rectify the wrong he had done Mr. Frank and set himself straight in the eyes of the world. I have read a copy of Albert McKnight's affidavit, dated January 19, 1914, which is hereto attached and marked Exhibit A, and identify it as an exact copy of the original affidavit which I read to said Albert McKnight and which McKnight identified as his own affidavit.

(Exhibit A referred to above is as follows)

"State of Georgia,) Fulton Superior Court
vs.) Conviction of Murder, July Term, 1913.
Leo M. Frank) Extraordinary Motion for new trial.

Personally appeared Albert McKnight, 21 years of age, residing at rear of 17 Georgia Avenue, in Atlanta, Fulton County, Georgia, who deposes and said:

That he is at the present time employed at the store of Beck & Gregg, and deponent says he was at work through most of the month of April, 1913.

Deponent says he was a witness for the State in the case of ~~the~~ State of Georgia vs. Leo M. Frank, and testified to a story that had been prepared for him by R. L. Gravens, a white man employed by Beck & Gregg.

Deponent says that the story prepared by R. L. Gravens was not the truth and that the evidence deponent gave at the above named trial was not the truth; deponent now says that it is true that his wife Minola was employed at the home of Mr. Selig where Leo M. Frank resided, and it is true that on Saturday, April 26, he called at the Selig home to see his wife, but deponent says that he reached the Selig home a little before 12 o'clock noon and that he heard the 12 o'clock whistle blow at the Southern Railway Shops, and also heard the 12:30 o'clock whistle blow while he was talking with his wife; and deponent says when he heard the 12:30 whistle blow he left the Selig home and walked up Georgia Avenue to Pulliam Street, then up Pulliam Street to Bass Street and to his own home, which at this time was located in the rear of 351

Pulliam Street.

Deponent says that when he reached the Selig home on Saturday, April 26th, that his wife was preparing the noon time meal, but had not yet served it, and that she did not serve the meal before he left the house.

Deponent says that he did not see Mr. Frank at all on April 26, 1913 and that his evidence at the trial of Mr. Frank was the result of a plan perfected by R.L. Craven and others to collect the reward offered for the arrest and conviction of the murderer of Mary Phagan.

Deponent says he told Mr. R.L. Craven that he did not want to tell any lies on Mr. Frank, but Mr. Craven would tell him to go right ahead and do what he told him to do, and that he would get the reward already referred to above, and he was weak enough to do as Mr. Craven told him to do.

Deponent says he is sorry for all the wrong he has done to Mr. Frank, and that he wants this true statement of facts placed in the hands of Mr. L.Z. Rosser, to be used by him with the hope that same can in some way undo the great wrong he was lead to do, by the white people he was working with at the store of Beck & Gregg.

Deponent again says that he did not see Leo M. Frank at any time, or place, on Saturday, April 26, 1913, and that he will so testify when called upon at any time.

(S) Albert McKnight

Subscribed and sworn to
before me the 18th day of January, 1914
(S) C.W. Burke,
Notary Public, Fulton County.

Sworn to and subscribed, signature acknowledged before
me Jan. 19, 1914

(S) E.D. Thomas, Chief Judge,
Municipal Court of Atlanta.

CHARLES T. PHILLIPS, JR., Sworn for the Movant. I am a reporter of the Atlanta Journal, and as such on the night of February 21, 1914, I interviewed one Albert McKnight, in the Gould Building, in the City of Atlanta, Georgia, and the result of my interview with Albert McKnight appeared in the Sunday issue of the Atlanta Journal of February 22, 1914, and said interview correctly appeared therein. I closely questioned Albert McKnight regarding the affidavit referred to, and McKnight stated to me that the affidavit made to C.W. Burke a Notary Public for Fulton County, Georgia on January 19, 1914, was in every word ~~the~~ the truth. I asked him if C.W. Burke or any other person, offered him any inducement or reward for the making of said affidavit and McKnight stated to me that he made the affidavit of his own free will and accord, without any promises whatsoever from C.W. Burke or any other source and made it simply because it was the truth. C.W. Burke was present, but did not in any way interfere with ^{my} ~~deponent's~~ examination of Albert McKnight. He stated repeatedly to me that he regretted the fact that he had uttered lies against Mr. Frank and expressed himself as anxious at that time to rectify the wrong he had done Mr. Frank and set himself straight in the eyes of the world.

GROUND 9.

Movant.

C. W. BURKE, DAN S. LEHON, Sworn for the ~~State~~ We have been employed in investigating the Frank case. On or about the 9th day of April, 1914, each of us, together with J.O. Knight, went to the then boarding house of Miss Ruth Robinson, on Capitol Avenue. The affidavit purporting to be signed by said Miss Ruth Robinson, on the 9th day of April, 1914, before J.O. Knight, Notary Public, for Fulton County, and which has been introduced in evidence in this case, was signed in our presence, and said J.O. Knight swore Miss Robinson, after he had read the same to her and she said it was true and then signed it. C.W. Burke had previously thereto acted as Notary Public in taking Miss Ruth Robinson's affidavit, but that inasmuch as that affidavit was taken sometime ago and that there might be no doubt about the correctness of the affidavit, it was decided that it would be again submitted to Miss Robinson for her approval and affidavit, and that was done as above outlined.

T. J. FREER, Sworn for the Movant. I am a court reporter and reported the case of the State vs. Leo M. Frank in Fulton Superior Court at the July Term, 1913. I reported the testimony of Miss Ruth Robinson, and said testimony is as follows:

"Direct examination by the Solicitor General:

Q. Miss Robinson, did you ever work at the National Pencil Company's place of business? A. Yes sir.

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

Q. Did you know Leo M. Frank? A. Yes sir.

Q. Did you or not, ever see Leo M. Frank talking to Mary Phagan? A. Yes sir.

Q. Tell when and where and how he was talking to her? A. Well, he was talking to her about her work, when she was at work.

Q. At work? A. Yes sir.

Q. How much or how often did you see him there talking to her?

A. Not very often.

Q. Well, how often, and describe to the jury how he did, what he did? A. Well, he just talked to her about her work, told her about her work.

Q. How would he stand and what did he do? A. Well, he didn't do anything, only he would just tell her about her work, two or three times a day, maybe.

Q. Not maybe, what he did? A. Two or three times a day, that is all he done.

Q. Where did he stand, and what did he do? A. Well, he would stand by her.

Q. Stand by her? A. Yes sir.

Q. How close to her? A. Well, just close enough to her to tell her about her work.

Q. Close enough to tell her about her work; what did he do when he talked to her, what did he show her about the pencils, and how did he show it to her? A. Well, when she put plugs in the pencil, when I worked there, she put rubbers in pencils when I worked there.

Q. What floor was she working on then? A. She was working on the 4th floor.

Q. The fourth floor; all right, and she put rubbers in pencils or what? A. That was all.

Q. That was all? A. Yes.

Q. Now - (Mr. Rosser: Don't lead). Q. What would he do and what would she do, when he would be talking to her and she would be putting the rubbers in pencils. A. Well, she seemed to be all right, she would do ~~him~~ as he said about it.

Q. What would he ~~show her~~ do when he would put those rubbers in pencils? A. He would just show her.

Q. How would he show her? A. He would just take up the pencils and show her how to do it.

Q. Show her, how would he show her? A. He would take up a pencil or two or three of them and put rubbers on them; he would pick up the pencils and show her how to put them in.

Q. Take that pencil now, and show, see if you can show me how he told her? A. There isn't any tip on it.

Q. Well, take that one, (tendering a pencil to witness). A. Well, you see the rubbers were down here in a box and he would pick them up and of course, they are made so that he would have to screw them in, you know, before they went to the packing machine.

Q. Show exactly everything Mr. Frank would do there? A. That was everything I saw him do.

Q. That is everything you saw him do? A. Yes sir.

Q. Who had hold of the pencil? A. Mary.

Q. Mary, and where would Mr. Frank be? A. Well, he would pick up some more pencils, and show her, stand there and show her.

Q. The time that Mary had hold of the pencil, where would Mr. Frank's hands be? A. I don't know, he would have some of the pencils himself, I suppose.

Q. How often did you see this, and how long a period did it cover? A. Mary ~~quit~~ didn't work there so very long before I quit.

Q. Before you quit; did you ever heard him call her name or not?

Q. Yes I heard him speak to her.

Q. What did he call her? A. Called her Mary.

Q. Called her Mary?

Cross examination by Mr. Rosser:

Q. Did you hear that, did you ~~you~~ really hear him call her name or are you just telling that from impression. A. I heard it.

Q. How long ago was that? A. That was last summer.

Q. Last summer, you just saw him helping her? A. It was about this time."

J. O. KNIGHT, Sworn for the Movant. On or about the 9th day of April 1914, I went, together with C.W. Burke and Dan S. Lehon to #34 Capitol Avenue, Atlanta, Ga., the then boarding house of Miss Ruth Robinson; I went there for the purpose of swearing Miss Ruth Robinson to an affidavit which has already been to the court shown, signed by Miss Robinson, and sworn to by Miss Ruth Robinson before me as notary public on the 9th day of April, 1914. I read this affidavit over to Miss Ruth Robinson. She said it was the truth and I ~~make~~ swore her to it. She signed it in the presence of myself and C.W. Burke and Dan S. Lehon.

AUSTIN G. DENNISTON, Sworn for the Movant. I reside at 600 West 161st Street, Borough of Manhattan, State of New York. On the 20th day of November, 1913, I was in the City of Atlanta, State of Georgia, and on that day Ruth Robertson, who gave her address as 74 Walton Street, Atlanta, Ga., personally appeared before me in my sitting room at the Weineoff Hotel, and related to me all of the facts and statements contained in a certain affidavit signed and

sworn to by the said Ruth Robertson before C.W.Burke, Notary Public of Fulton County, a copy of which affidavit is hereto annexed and made a part of this affidavit. When the said Ruth Robertson related the facts and statements contained in the affidavit, she and I were the only persons in my rooms at the said Hotel Weineoff. I personally wrote out her statement of facts in long hand as she talked and later dictated them to a stenographer in the form of the affidavit that she later executed. The said Ruth Robertson met me in the evening of the 20th of November, 1913 in a drug store, the name of the proprietor I cannot give, nor the street address of the drug store, though I could go to it and designate the place where she met me. I at this time called the notary public, C.W.Burke, and in his presence the said Ruth Robertson carefully read over the typewritten statement which she then and there executed and swore that the same was true. The said C.W.Burke was not at any time present in my rooms at said Hotel Weineoff during the visit of the said Ruth Robertson when she related the facts of this said affidavit, nor was he present during the time that I dictated from my longhand notes of her statement to the stenographer who later transcribed his stenographic notes as signed and sworn to by said Ruth Robertson.

(The affidavit above mentioned is as follows)

"State of Georgia,
County of Fulton.

Personally appeared Miss Ruth Robertson, residing at 74 Walton Street, in the City of Atlanta, State of Georgia, who upon oath deposes and says:

I was a witness in the case of the People against Leo A. Mr. Frank, and on the morning of the day that I testified in the case a police detective whose name I believe to be Bass Rosser, came to my house and conducted me to the office of Solicitor Dorsey. This was my first meeting with Mr. Dorsey. The meeting was in a room in a building that I believe is opposite, or in the vicinity of the building in which the trial was conducted. After being introduced to Mr. Dorsey by the detective, Mr. Dorsey greeted me very effusively. He said he was glad I had come down to see him, and he was sure I would make a good witness and would help him out in the Frank case. He questioned and talked to me in the room alone for about a half an hour, beginning at about eight thirty o'clock. As I remember it there was no proceedings in court on that day until later in the forenoon, at nine o'clock I believe; it was on Wednesday, but the date I do not recall. In the beginning of the conversation with Mr. Dorsey, he asked me to go ahead and tell him all I knew about Mr. Frank and Mary Phagan. I told him I knew nothing against or about Mr. Frank, except that I worked for him, and so far as I knew he was a gentleman in every respect, or words to that effect. He asked me if I knew Mary Phagan and I told him I did. He insisted that as I had worked at the National Pencil Company for a considerable time, that I must know something against the character of Mr.

Frank and asserted that he was a very bad man. I told him that I knew absolutely nothing against Mr. Frank's character. Mr. Dorsey insisted that I did, and persisted in the statement that he was of bad character. He asked if I had ever been in Mr. Frank's office. I told him that I had on several occasions, always on business errands connected with the work I was performing at the factory. He then asserted that I had been in Mr. Frank's office, with him alone, to keep dates for purposes other than business, to which I replied that it was not true. He finally openly insulted me by affirming that I had had sexual intercourse with Mr. Frank in his office, or some room or place in the factory which Mr. Frank kept for the purpose of meeting girls, and he insisted that I knew the location of such room and that I knew of other girls that had been to this room with Mr. Frank. I was shocked by the ~~harsh~~ broad insinuation and affirmative statement of Mr. Dorsey, and I told him that all such statements and illusions were lies, and that I had never heard of any such thing ever occurring in the factory, or elsewhere, in which Mr. Frank and any girl employee of the factory were parties to; and I state now, after mature deliberation and thought that I have never heard such insulting language by direct speech and innuendo, by any of the commonest laborers in and about the National Pencil Factory, as was used to me by Solicitor General Dorsey, when in his private room. He being the Solicitor General I, being in his office, believed at the time that he possessed some sort of right to thus accuse me and insult me; and, under this belief, I was obliged to take his insults and listen to his scandalous statements, by direct speech and innuendo, without openly resenting them further than to deny every single one of them.

I wish to refer to my evidence, as given on the stand at the trial of Mr. Frank, as to my answers to questions of Mr. Dorsey wherein I was made to say that I had heard Mr. Frank call Mary Phagan by her first name, "Mary". Upon reflection, I wish to explain that my answer, as above repeated, was due entirely to my nervousness because of the badgering that I had been subjected to by Mr. Dorsey; and, as a matter of fact, I cannot recall one single incident wherein I ever heard Mr. Frank address Mary Phagan by any name, and this is the various truth. I could not recall, or cannot recall now, under calm deliberation that I ever heard Mr. Frank address Mary Phagan by any name, as I have never seen him speak with her at any time or place, except when instructing her how to perform her work better and more rapidly while at her work in the factory.

Referring back to my first call on Mr. Dorsey and where he had questioned and talked to me for about a half an hour, at the conclusion of which I was directed to another large room, adjoining I believe where Mr. Dorsey talked to me, in which there were twelve or fifteen other girls and women - all witnesses in the Frank case, and called by Mr. Dorsey, according to my understanding. Among these girls, I remember one Carrie Smith, Myrtie Cato, Maggie Griffin and Dewey Hewell. I remained there until about 12 o'clock when I went to the courthouse and took the witness stand.

I will also state that before Mr. Dorsey went over to the court house, he came into the room where the girls above described and I, myself, were, and gave us a lecture and told us all that, when we went on the stand to go right ahead and tell everything we knew and answer his questions right off sharp. After the lecture I didn't see Mr. Dorsey again until I went on the witness stand in the court room.

While remaining in the large room with the twelve or fifteen girls, before I was called to go to the court house, there was a great deal of talk and gossip among the girls there, some of whom said they knew nothing against Mr. Frank and that they were timid and were afraid that they would be scared when they went into court. Maggie Griffin, however, appeared to welcome and relish the idea of going on the witness ~~xxx~~ stand and told several times how she was going to just tell everything that Mr. Dorsey wanted to know, when she went on the stand. Dewey Hewell said she did not know anything about Mr. Frank or Mary Phagan, or anything concerning the case, and Maggie Griffin volunteered, with enthusiasm, to tell her what she had to say, and did tell her and rehearsed her at one side of the room. I heard Maggie Griffin tell Dewey Hewell that she must say that she knew Mr. Frank and knew that he was of bad character, and that she knew Mary Phagan, and to tell everything bad she could think of about him, and to say that she had seen Mr. Frank with

his hands on Mary Phagan, and that she had seen him whisper to her or talk to her with his face close to hers. Maggie Griffin and Dewey Hewell left the large room described two or three times together, and returned together and I heard Dewey Hewell say repeatedly that she was afraid she would forget all Maggie had told her to say when she went into the court house, and Maggie said, "We will go over it again, so you won't forget it". This was repeated several times. I recall hearing Dewey Hewell say pointedly that she did not know where Mary Phagan worked and that she did not know her by name; but she was rehearsed to know her by Maggie Griffin, in that room, and to say whatever she did say on the witness stand. I have seen the evidence as reported as being given by Dewey Hewell, and recognize in her answers precisely what I heard Maggie Griffin tell her to say. I don't believe either of these girls appreciated what it was to swear ~~fix~~ falsely, as they were giggling and laughing over the evidence they were to give when they went on the witness stand.

I have read this statement, and subscribe my name hereto under oath. "

C. W. BURKE, Sworn for the Movant. I am acquainted, and have been for years, with Austin G. Denniston. On or about the 20th day of November, 1913, the said Denniston was in Atlanta, and as I understand, was engaged in doing some special work in the Frank case.

On that day I was asked by Denniston, as a notary public, to swear Miss Ruth Robertson to an affidavit, which affidavit is hereto attached, marked Exhibit A, and made a part of this affidavit.

This affidavit was presented to Miss Robertson, and I read the same over to her and she swore to the same in the presence of the said Denniston and myself. I had nothing to do with writing the affidavit, nor anything to do with taking the affidavit, except act as Notary Public. When said affidavit was read to Miss Ruth Robertson she said it was the truth.

(Attached as exhibit a is an exact copy of the affidavit attached to the preceding affidavit, signed by Miss Ruth Robertson)

GROUND 10.

D. I. MACINTYRE, Sworn for the Movant. I am a Notary Public in and for the County of Fulton. As such Notary Public, I took an affidavit from Mrs. Mamie Edwards, formerly Miss Mamie Kitchens, dated April 13, 1914, I read the affidavit over to Mrs. Edwards before she signed it, and she stated that it was true. After reading it over to her she signed it and I swore her to it. Dan S. Lehon was present with me when the affidavit was read to her and heard Mrs. Mamie Edwards say that it was true and saw her sign it. The affiant made no protest as to the substance or words of the affidavit, and after hearing it read, she signed it without protest saying that the same is true. Said affidavit was changed in accordance with the statements made at the time by Mrs. Mamie Edwards.

[REDACTED]

DAN S. LEHON, Sworn for the Movant. I was present when Mrs. Mamie Edwards made an affidavit, dated April 13, 1914, before Daniel Irwin McIntyre, which affidavit was taken in the Leo M. Frank case to be used upon application for new trial. I heard said McIntyre read the affidavit to Mrs. Mamie Edwards, heard her say that it was true and saw her sign it.

GROUND 11.

LEMMIE QUINN, Sworn for the Movant. On the 26th day of January, 1914, I introduced Marie Karst to C.W. Burke, while they were in the store of J.H. Nunnally on Peachtree Street in Atlanta, Georgia, and the said C.W. Burke then and there told Miss Karst that he wanted to talk with her regarding the testimony she gave at the trial of Leo M. Frank. I heard the entire conversation between Marie Karst and C.W. Burke and heard Miss Karst give to Mr. Burke the affidavit, of which a copy is attached to this affidavit. Miss Marie Karst made the affidavit of her own free will and I heard her tell Mr. Burke that every word of same was the truth, and Mr. Burke did not hold out any inducements to Miss Karst or offer her reward of any kind for making affidavit referred to.

(The following is the affidavit referred to above)

Georgia, Fulton County.

"Personally appears Miss Marie Karst, of 195 Kelly Street, Atlanta, Fulton County, Georgia, who upon oath deposes and says that she worked at the National Pencil Company about eighteen months previous to January 1912 and that she knew Mr. Leo M. Frank.

Deponent says that she was a witness for the State of Georgia at the trial of Leo M. Frank, who was charged with the murder of Mary Phagan. Deponent says that she testified that Mr. Frank's character was bad and that she was not cross examined.

Deponent now says that she had been asked as to how she knew Mr. Frank's character was bad, and she could only have said because she had heard girls at the factory say that they were afraid to have Mr. Frank catch them loafing.

Deponent says that no girl or woman ever told her that Mr. Frank had ever in any way insulted them, and deponent says that Mr. Frank never did in any way act in an unbecoming manner toward her. Deponent also says that she never at any time saw any woman in Mr. Frank's office; and she never heard any other girl or woman say that they ever saw any woman in Mr. Frank's office drinking or acting in any way unbecoming to ladies.

Deponent says that she was brought into the case against Mr. Frank by city detective Bass Rosser and that she was subpoenaed to the office of Mr. Hugh Dorsey, in the Kiser Building, twice before the trial, and questioned very closely by Mr. Dorsey. Deponent says that Mr. Dorsey told her to say that Mr. Frank's general character was bad; and, illustrating to her how he desired her to state that Mr. Frank's character was bad, he said: "I want you to state that his character is bad, just as you would say that Mayor Woodward's character is bad"; at the same time saying to her: "You have heard that Mayor Woodward is a man of bad character, and in the same manner you have heard that Mr. Frank is a man of bad character. That is the way I want you to testify and I want you to answer my questions right off sharp and quick." Deponent also says that when Mr. Dorsey was

prompting her and questioning her in his office, he did not at any time use the word lasciviousness, but when she went on the witness stand, he did use the word, and did ask her if Mr. Frank's character for lasciviousness was good or bad, and she answered bad in the face of the fact that she did not know the meaning of the word "lasciviousness", and never had it explained to her until today; and since the explanation has been made, and since she understands the words, she most emphatically denies that Mr. Frank's character or reputation so far as she knew or knows, is bad for lasciviousness.

Deponent says that Mr. Frank always made the girls at the factory attend strictly to business, and that he was not generally liked by them on account of his strictness with them in his dealings with them regarding their work.

(Signed) Marie Karst

C. W. BURKE, Sworn for the Movant. I never told Marie Karst, or any one else, that I had taken Miss Lillie Pettis out to see her sister, Miss Nellie Pettis, ~~or that~~ I told Marie Karst or any other person that Miss Nellie Pettis had admitted to me and her sister-in-law, Mrs. Lillie Pettis, that what she had sworn on the hearing before the coroner and on the trial of the case of the State against Leo M. Frank was untrue.

G. O. KNIGHT, Sworn for the Movant. I am a Notary Public for Fulton County, Georgia, and as such took an affidavit from Miss Marie Karst on the 9th day of April, 1914. I, C. W. Burke and Dan S. Lehon, together, went to the home of Miss Marie Karst and met her in her parlor, and while there in the presence of the parties named, the affidavit dated as aforesaid was read to said Miss Marie Karst and she said it was true, and without making any objection to it, swore to it and signed it.

C. W. BURKE, DAN S. LEHON, Sworn for the Movant. Together, with J. O. Knight, a notary public, we went to the home of Miss Marie Karst, on the 9th day of April, 1914, and saw her in the parlor of her home. While there an affidavit, dated April 9th, 1914, in the Frank case, was read to said Marie Karst by the Notary Public, J. O. Knight, and after it was read to her, she stated that it was the truth, whereupon said J. O. Knight swore her and she signed it in our presence.

GROUND 13.

RABBI DAVID MARK, Sworn for the Movant. Between one thirty and two o'clock P.M. on Tuesday, April 14, 1914, accompanied by Dan S. Lehon, Mrs. Leo M. Frank and C. W. Burke, ~~we~~ I called on Mary Rich, who conducts a small lunch wagon on the sidewalk located on West Hunter Street between Forsyth Street and Madison Avenue, said wagon being situated near the alley that runs at the rear of the National Pencil Com-

pany's factory. I read the attached blank affidavit to Mary Rich, which affidavit is hereto attached and marked Exhibit A, and asked Mary Rich if same was the truth, and Mary Rich said, "Yes sir, it is true, except the time should be two thirty P.M. instead of two fifteen P.M." explaining that the reason she was positive about the time was because she remembered that a white man passed her, with a grip in his hand going toward the Terminal Station; that she asked for the time of day and she said he looked at his watch and replied that it was two thirty o'clock. She further said that this happened just after Jim Conley had left her, but that she did not know where he (Jim Conley) went. Mary Rich stated that she had sworn to God not to sign anything and on this account and because of the newspaper notoriety that had been given her had hurt her trade, she would not sign anything. She said she was telling the truth and that was all she would ever tell.

DAN S. LEHON, Sworn for the Movant. Every~~thing~~ word that is outlined above is the truth. I heard Mary Rich tell Dr. Marx every word as sworn to in this affidavit and heard Dr. Marx read Exhibit A to her.

(The following is Exhibit "A" referred to above)

Georgia, Fulton County.

Mary Rich of 24 Walnut St., Atlanta, Fulton County, Georgia, deposes and says that she knows Jim Conley, and that at about 2:15 o'clock P.M. Saturday, April 26, 1913, Jim Conley came to her lunch wagon located on Hunter Street near the alley between Madison Avenue and Forsyth Street, being the same alley that runs at the rear of the National Pencil Factory building. Deponent says that at the time and hour referred to the said Jim Conley purchased a twenty cent lunch from her and she did not see said Conley that day any more."

GROUND 14.

G. W. BURKE, Sworn for the Movant. I know G. B. Dalton and met him at Fort Myers, Fla. about two months ago and secured from said Dalton an affidavit. I met him while at work in an orchard and told him that I would like to have a talk with him in my room at the Bradford Hotel that night at eight o'clock. Dalton agreed to meet me, and I sent a boy after him, when we talked over the Frank case for about two hours. I told Dalton frankly that I did not believe the testimony he had given at the trial to be the truth, also that I didn't believe Dalton even knew Leo M. Frank. Dalton

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stated to me that owing to the fact that I had been a former employer of his brother in law, W.N.Barber, and further because of the fact that said Barber had spoken very highly of me that he (Dalton) would tell me the truth about his testimony at the trial of Leo M. Frank. He then and there proceeded to freely give me the information contained in the affidavit which has been presented at this hearing. I wrote out Dalton's statement in long hand at the time he gave it, and on the following morning I gave the long hand copy to John M. Cameron, a stenographer at Fort ~~My~~ Myers and instructed said Cameron to typewrite said statement verbatim, which Cameron did. I then secured the services of a Mr. Hendry an attorney and a notary public, and in an automobile went to the country where Dalton was at work. Dalton at once came down to the automobile and I introduced him to Mr. Hendry. Hendry read over very carefully the affidavit ~~and~~ I had had prepared and asked Dalton if the statements therein contained were true, and if it was his affidavit. Dalton answered it was true and that it was his affidavit, and then and there Dalton held up his right hand and swore to the same and signed it across the fender of the automobile. When Dalton stated he would like to meet me at Fort Myers that night at 7 o'clock, I agreed to meet him there. However, I did not know when I made that appointment with Dalton that the only train by which I could leave Fort Myers that day was scheduled to leave that point at 3 P.M/ and after ascertaining that to be a fact, I left there on said train, returning to Atlanta and I have never seen Dalton since. On the night I took Dalton's affidavit in long hand, Dalton asked me if I had any influence with some of the various master mechanics in charge of some railroads running out of Atlanta, stating that he would like very much to secure a position as railroad fireman. I told ~~and~~ Dalton that I knew one or two master mechanics, but owing to the fact that Dalton was a witness in the Frank case and to the further fact that I was working on that case, it would be impossible for me to intercede with anyone to try to secure Dalton a position, and Dalton then agreed that he understood the situation. Dalton wanted to know if I was still connected with any railroad company, and I told him I was not. Dalton also wanted to know if I did not have some influence with officials of the Southern Railroad

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by which I could secure him a pass from Jacksonville to Atlanta, and return, stating that he had a daughter or sister in law whom he desired to visit. I explained to Dalton that while I had friends with the Southern Railway, it would be impossible for me to secure a pass for him or even for myself, owing to the present pass laws. I explained to Dalton that it would be impossible for me to do him a favor of any kind while the Frank case was pending, and Dalton acknowledged to me that he understood that for that reason I could not do anything for him. There never was any conversation which took place between me and Dalton with reference to the Pardon Board of Georgia, and I positively never offered Dalton any money in any amount. At the time Dalton made his affidavit, same was read over to him by Mr. Hendry, and not by me, and Mr. Hendry said nothing about said affidavit being taken to be used before the Pardon Board. Dalton had plenty of time and took plenty of time to listen to the reading of the entire affidavit, and Dalton did not ask me or Mr. Hendry when he would get any money, and there was no mention made of any money at any time during the conversation with Dalton.

GROUND 14th

HENRY A. ALEXANDER, Sworn for the Movant. The facsimile photograph of the yellow murder note appearing in the pamphlet issued and distributed by me in February, 1914, in reference to these notes, is identical with the facsimile of said note appearing in the original brief of evidence in this case, filed in Fulton Superior Court, and approved October 31, 1913 by Judge Roan as a true, correct and complete brief of the evidence in said case; It is also identical with the facsimile of said note appearing in the certified copy of said brief of evidence on file in the Supreme Court of Georgia, ^{and} is also identical with the facsimile copy of said note appearing in the printed copy of the Brief of Evidence filed in the Supreme Court. A copy of said note is hereto attached, marked Exhibit "A".

(The exhibit attached to said affidavit consists of a photographic copy of one of the notes found by the body of Mary Phagan, the same having been designated on the original trial as State's Exhibit 2.)

HERBERT G. SCHIFF, Sworn for the Movant. I have been employed at the National Pen and Pencil Factory since 1908. I worked at the National Pen and Pencil Company during the year 1912 and was in the city continually during the year 1912. I know Henry F. Becker, who was the

master mechanic of the pencil company. I know that Becker resigned his position during the month of December, 1912. Becker's office was on the fourth floor of the pencil company's place of business, and I know that Becker issued orders on order blanks from his office, and there were in Becker's desk at the time of his resignation duplicate order blanks, both in tablet forms and in loose leaves/ At the time that Becker resigned a ~~xxx~~ change was made in the office and dressing room space on the fourth floor, the part where Becker's office was being changed to a men's dressing room, so as to enlarge the box room capacity. In making this change, Becker's desk was emptied into the room wherein it was located on the fourth floor. Becker's desk contained a number of blue prints which were very valuable, and these blue prints, which belonged to the company, were taken from Becker's desk and put into the steel cabinet which was in the room occupied by Becker as his office on the fourth floor. The other contents of the desk were emptied out on the fourth floor and put into trucks to be hauled into the basement. I personally remember the sweepers getting the trash out of the way. After the desk was emptied, it was taken from the fourth floor to the stenographer's office on the second floor, where I personally used the same for several weeks until my departure on the road. On the day I left for the road, in January, 1913, this desk was in the stenographer's office and not in Frank's private office. I herewith attach invoice from the Cotton States Belting & Supply Company which said invoice is in response to order blank #1018 and #1019 issued by H.F. Becker, said order blank #1018 being the one upon which the notes found by the body of Mary Phagan was written by Conley. It was the custom of Becker to issue requisitions on these order blanks and for the same to be acknowledged by invoice when the goods were shipped.

(Attached to the foregoing affidavit was the following invoice: "Cotton States Belting & Supply Company, Sold to National Pencil Company, Atlanta, Ga., 9/16-12 09. Your order No. 1018 & 1019, 1 Pc 1-1/8 x 2 1/2 X 18 Moh Steel, 1 Pc 5/8 x 5 x 6 Mo - \$2.00")

F. ZIGANKI, JOSEPH STELKER, HERBERT G. SCHIFF, Sworn for the Movant.

We know when H.F. Becker's desk on the fourth floor of the National Pencil Company's place of business was cleaned out and removed from the fourth floor. This occurred about that time that H.F.

Becker resigned as master mechanic of the National Pencil Company in 246 the month of December, 1912. The desk was emptied of its contents

which were thrown on the floor in the trash and certain blue prints found in the desk were placed in the steel cabinet on the fourth floor.

GROUND 15.

J. W. WRENN, Sworn for the Movant At the instructions of C.W. Burke I called on Ivey Jones at the railroad freight depot. I ~~represented~~^{information} represented to Ivey Jones that I was seeking/about an accident and that the injured man had given his (Ivey Jones') name as a witness to the alleged accident. I asked Ivey Jones what he knew regarding the accident that had taken place on April 26, 1913, and Jones replied that he had witnessed no accident on that date. I told Jones that I could not understand why the injured man had used his name as a witness and asked Jones if he would not detail to me his entire movements on Memorial Day and to describe each person with whom he came in contact. This pretense of looking into an accident was adopted for the reason that I believed that if Ivey Jones' mind was taken away from all matters connected with the Frank case, he would tell the truth as to his movements on that day. Thereupon Jones made the statement set out in his affidavit, I taking notes of his statement and carried them to C.W. Burke. Burke dictated from said notes the affidavit already introduced, dated February 6, 1914. The affidavit as written was then carried to Ivey Jones and read over to him and Ivey Jones swore to it in the presence of said Burke signing his name to it. The paper signed by Ivey Jones did not have big letters at the top like a grocery store heading, and it is not true that Jones signed it with a pencil, but he did sign it with a fountain pen. No pretense was practiced on Jones to get him to sign the paper, but on the contrary, Ivey Jones signed the paper voluntarily after he knew just what it contained.

C. W. BURKE, Sworn for the Movant. On or about the 5th day of February, 1914, I instructed J. W. Wrenn to locate one Ivey Jones, a negro truck driver who appeared as a witness for the State in the trial of Leo M. Frank. I instructed Wrenn to pretend to Jones that

247 he was one of the claim agents of one of the railroads; that the railroad had been sued by a man who gave the name of Ivey Jones as a witness who had seen the accident, which occurred on Memorial

day. I instructed Wrenn to learn from Jones his entire movements on that day and the name of each person whom he met that day.

Wrenn afterward returned to me and stated that he had interviewed Jones; that Jones did not witness an accident of any kind on Memorial Day and that he very readily gave his movements on ~~this~~ that day, in detail. From the notes furnished me by Wrenn I dictated the affidavit which was signed by Jones on February 16, 1914. After writing the affidavit we located Jones at the corner of Decatur and Collins Street. I read the affidavit over very carefully to Jones, who stated that it was alright, with one exception, which referred to that part, which said that he and Buddy Perry went to a ball-game, Jones stating that they both went ~~to~~ to a ball game, but not together. I correct^{ed} the affidavit in pen and ink and Ivey Jones then and there held up his hand, swore to it and signed it, using my fountain pen.

C. W. BURKE

GROUND 16.

~~HELEN FERGUSON~~, Sworn for the Movant. I know nothing about any attempt being made to induce Helen Ferguson to leave the city, nor about any young man offering to marry the said Helen Ferguson.

I never at any time met Helen Ferguson on any street corner of Atlanta with Jimmie Wrenn. I never at any time talked with said Helen Ferguson about the Frank case on the streets. It is true Jimmie Wrenn brought Helen Ferguson to see me at the office of J. H. Porter located on the 7th floor of the Grant Building, but I did not at any time ask her to change her statement in the Frank case. I did ask her for an affidavit regarding Jim Conley attacking her in the factory of the pencil company and said Helen Ferguson readily gave said affidavit. It is true that I asked Helen Ferguson if she had told the truth at the trial of Leo M. Frank and she insisted that she had. Helen Ferguson did ~~not~~ not remain in the office of J. H. Porter at the time above mentioned, exceeding thirty minutes.

GROUND 17.

DAN S. LEHON, Sworn for the Movant. I was present on the 10th day of April, 1914 when Jesse E. Duffy swore to an affidavit before J. O. Knight, Notary Public. Said affidavit was read over to Duffy by said Knight and after it was read over to him said Duffy stated it was the truth. Said Knight then swore Duffy to the affidavit D uffy signing it.

[REDACTED]

B. WILDAUER, OTTO SCHWAB, A.L.GUTHMAN, ALBERT HAAS, ISAAC HAAS, HERMAN J. HAAS, H. REGENSTEIN, Sworn for the Movant. On Friday, May 1, 1914, we met J.E.Duffy at the office of the Capital City Chair Company between 8 and 9:30 P.M. Herbert J. Haas was also present. The affidavit of J.E.Duffy executed April 10, 1914, before J.O.Knight was shown ~~and~~ to Duffy and Duffy acknowledged the signature to the affidavit as his and that at the time of signing the affidavit, he was properly sworn by the notary J.O.Knight; that he received no money or promise of reward or position to make this affidavit by C.W.Burke or anyone else; that every statement contained in said affidavit is the truth. The affidavit was read to Duffy and he acknowledged each and every statement to be the truth, with the explanation only that the \$7.60 referred to in said affidavit was for two days time as witness and railroad fare, and that the same was paid to him by the County Commissioner's office upon the order of the solicitor General, who gave said order to Duffy and that with this explanation each and every statement therein is true.

C. W. BURKE, Sworn for the Movant. I know Jesse E. Duffy and knew him several years before the murder of Mary Phagan. I also knew L.P.Eubanks and Mell Arnold, all of whom were working for the Southern Railway at the time I was employed by the said company. Said Duffy and 32 other men were involved in car stealing charges with the Southern Railway, all of which cases were nolprossed, without any influence being exerted in that direction by me. Quite a number of these ~~men~~ arrested were given their positions back, and I was asked by Duffy and others to assist them to regain their positions, and I have done all in my power to have them reinstated, and did succeed in having M.Y.Arnold, and attempted to have Duffy, A.L.Jessee, B.C.Duffy and J.R.Miles reinstated. These efforts were begun before the murder of Mary Phagan and had nothing to do with matters growing out of this murder. I severed my connection with the Southern Railway on July 1, 1913 and on July 20, 1913, at the instance of Mr.L.Z.Rosser I went to work investigating the Frank case. Several months after the trial I met said Duffy at the home of L.P.Eubanks. In the presence of Eubanks and M.Y.Arnold, Duffy made an affidavit in the exact words of the affidavit dated April 10, 1914, before J.O.KNIGHT, a notary public. At that time nothing

was paid to Duffy, nor did I promise to give him a job at \$15. per week, or any other job. to make the affidavit aforesaid. On the contrary, Duffy made it freely and voluntarily and he stated at the time that it was the truth. Dan S. Lehon was also present when the affidavit was taken by Knight. Knight read the affidavit over to Duffy and Duffy stated it was true, held up his right hand and swore to it and signed it before J.O. Knight, notary Public.

H. O. KNIGHT, Sworn for the Movant. I am a Notary Public for Fulton County and did swear Jesse E. Duffy to an affidavit dated April 10, 1914. I read the affidavit to Duffy and asked him if it was true. Duffy stated it was true, whereupon I had Duffy raise his right hand and swear to the affidavit and sign it. Duffy not only made no objection to it, but said it was the truth.

JNO. R. BYINGTON, M. ANGIER, E.A. ANGIER, D. I. MACINTYRE, W. R.

MASSENGALE, Sworn for the Movant. We know H. O. Knight and know his general character for truth and veracity, and the same is good, and we would believe him on oath.

3RD AMENDMENT

OTTO SCHWAB, ISAAC SCHOEN, ISAAC HAAS, B. WILDAUER, DAVID MARX,

Sworn for the Movant. We met Mrs. Maud Bailey and Mrs. May Barrett on Thursday, April 23, 1914, between the hours of 7 and 8 P.M. in the office of Messrs. Herbert J. and Leonard Haas. The affidavits of said Mrs. May Barrett and Mrs. Maud Bailey were exhibited and read over to said Mrs. May Barrett and Mrs. Maud Bailey, and the said affiants acknowledged their signatures, and stated that at the time of signing their respective affidavits they were properly sworn by a notary public; that they had received no money or promise of reward of any nature whatsoever for making said affidavit, nor had any threats, intimidations or coercion of any character been used in order to force them to make said affidavits. They further stated that the contents of their ~~sign~~ affidavits were true in every particular.

4TH and 5TH AMENDMENTS.

J. O. KNIGHT, ISAAC SCHOEN, ISAAC HAAS, B. WILDAUER, OTTO SCHWAB,

DAVID MARX, Sworn for the Movant. On Thursday, April 23, 1914, we were in the office of Messrs. Herbert J. and Leonard Haas in the 4th National Bank Building and were present when one Annie Maud Carter

made an affidavit, of date April 23, 1914. Said affidavit was read aloud by said Annie Mand Carter and she thereupon signed it and was duly sworn by the notary J.O. Knight. Some of us questioned the said Annie Mand Carter and asked her whether she had received any money or promise of reward of any character and she answered that she had not, and that she had not been coerced or intimated in any way to make said affidavit. She further stated that every statement contained in said affidavit was true.

Movant also introduced the following testimony:

GEORGE EPPS, Sworn for the Movant. I am at present at the Reformatory in Millidgeville, Ga. In August 1913, I was witness for the State in the case against Leo M. Frank. I was also a witness before the Coroner's inquest. Both at the Coroner's inquest and the trial of Leo M. Frank I swore falsely. I was persuaded to give the false testimony in both of the hearings by police detective John Black. The only statements in my testimony at either the coroner's inquest or at the trial that is of truth is that I knew Mary Phagan and that I rode on a street car with her on the 26th day of April, 1913. My home is in the neighborhood in which Mary Phagan lived and most of the neighborhood knew her, and it was known that John Black was making inquiries there for boys or girls or neighbors that knew her. In May 1913, I was employed at the Hirsch & Spitz Spring Bed Factory, and one day I was told somebody wanted to see me. The man who wanted to see me said he was detective John Black, and that he understood I knew something about the Mary Phagan case. In reply to his further questions, I admitted that I knew Mary Phagan, and also told him that I rode down town on the same car with her on April 26, 1913. I told him it was between ten and fifteen minutes to twelve when I boarded the car. I told him I had seen a clock in Mr. Bryant's store at the corner of Oliver and Bellwood Avenue. I do not know that this clock is not reliable as to time. Sometimes it don't run at all, but it is the only clock I saw. Being Saturday, I did not work at the factory on Saturdays but went down town and sold newspapers, and I generally left home to go down town about 11:00 o'clock, and I was afraid I would be late

SECRET

this day, April 26th. I told Black that Mary Phagan sat in the front seat on the left hand side facing forward and I sat three seats behind her. I did not speak to Mary while on the car, but when we got off the car at Marietta and Forsyth Streets, Mary got off ahead of me and I then said "Hello Mary, where are you going." Mary answered "I am going to get my money and go to see the parade, this being Decoration day and a holiday. This was all of the conversation I had with Mary on that day. I last saw Mary as she was going over the viaduct south on Forsyth Street and I went under the viaduct to the Journal Building and immediately got my papers and went to Five Points where I sold them. To fix the time I must have arrived at the Journal Building, the "Extra" generally comes out about from 12:20 to 12:30. I told all of these circumstances to Black when I first met him. Black wanted me to say that I sat in the seat with Mary on the car, but I told him that this was not true, but Black said "that will be all right, you do as I tell you". Detective Black asked to come down to his office the next day to see him. He handed me a subpoena and told me how much I would have to pay or go to jail if I didn't come. I did show the subpoena to my boss and the next day went to Black's office at Police Headquarters, at about 2:30 He at once carried me to another room where he and I were alone and again questioned me about coming down town on the car with Mary and told me that I got on the car at 10 minutes to 12 o'clock and that I sat on the seat with Mary and talked to her on the car and that we got off the car at about five to seven minutes after 12 at Marietta and Forsyth Streets. I again told him that was not true and he told me that was all right, "you go ahead and tell it just like I tell you". I told him I didn't know anything about what time we got off the car and he said "Oh, you was raised in the country and could tell the time by the sun and it was about five or seven minutes after twelve". He made me agree to tell it as he told me and said "you do as I tell you and I will give you some money and when this trial is over and you can leave town if you want to". He told me to say that I talked to Mary on the car coming down town and that I deviled Mary about her sweethearts and that she must have a sweetheart at the pencil factory, and that Mary said, she didn't have any sweetheart, but Mr. Frank down

there acted suspicious toward her; that he came out ahead of her at nights when she would leave the factory and would look at her and wink at her and that she was "afraid of Frank" and asked me to come to the pencil factory every night to meet her. After this talk with Detective Black he gave me a nickel to buy a coca cola and told me to come back to the inquest, which was being held on the second floor in police headquarters building. I did as he told me and after a few minutes Mr. Donehoo and detective Black came out to where I was. Mr. Donehoo is blind and Black told him who I was and that "he knows something about the Phagan case" and Mr. Donehoo said I would be the next witness. In a minute or two my name was called and I was sworn and took the witness stand and told the story that Detective Black had told me to tell, which I knew was mostly a lie. When I went out into the hall, detective Black saw me there and said "George you done all right, now stick to that story, there may be other men come out there to see you and question you, and you tell them that you don't know anything about it and that you have been told not to say anything about the Phagan case." One evening Detective Black came out to where I lived and told me to come to Solicitor Dorsey's office the next morning at 10:30. When I arrived there the next morning, after a few minutes, Black came out and called me in Mr. Dorsey's office. Mr. Dorsey said to me "George, we have got you down here to refresh your mind on the testimony that you have given at the coroner's inquest. He questioned me and I told him at Detective Black had directed me to say that I got on the car at 10 minutes to 12. I told him I sat three seats behind Mary Phagan. While I was being questioned by Mr. Dorsey he and Detective Black would have private conversations between them, and after one of them, Mr. Dorsey said, "You sat on the seat with her, and I told him "yes", that I had changed my seat and sat with her. He asked me about my conversation with Mary Phagan, and I told him that it was just like I said at the coroner's inquest and he said "that is all right, George you stick to that". After this conversation, detective Black followed me out in the hall and told me to be sure about the time and to stick to it as about 7 minutes after 12 as it supported Jim Conley's story as to time and he wanted my time to be the same as the time Conley had said it was, and to agree with it. I promised

Black that I would do as he told me to. The next day I went directly to the court house. In the court house I met detective Black and he told me to go ahead and when I got on the stand to "do just as well as I had done up to his office". On the stand I was only allowed to tell about riding on the car with Mary at the time that I got on the car as instructed by Black and the time I got off the car. When I was cross examined by Mr. Rosser I was asked practically the same questions and I gave practically the same answers.

B. BERNARD, Sworn for the Movant. Until this affidavit is being made, I have never met Mr. U. W. Burke and never saw over five times before. I never saw George Epps until last Saturday night when I was waiting for a street car to go home. He was sitting upon the city hall steps. It has been eight years since I went through Birmingham and I was never in Birmingham with George Epps, Mr. Burke or Jimmie Wrenn and I would not Wrenn if he were to walk into the room. I went to Solicitor Dorsey's office and assured him that Epps was lying and urged him to investigate and see that I was not the man Epps was talking about.

STILES HOPKINS

STILES HOPKINS, Sworn for the Movant. Sometime during the month of February or March, 1914, I went to Milledgeville, Georgia, for the purpose of exhibiting and reading to one George Epps an affidavit and asking him to sign the affidavit if its contents were true. I did not draw said affidavit and do not know who did draw it, but same was handed to me by one of counsel for Mr. Frank with the request that I go to Milledgeville and secure the signature of George Epps, if possible. I secured a letter of introduction to Mr. Lovvorn the superintendent of the institution where George Epps was confined. I called at the court house and asked Mr. J. Cleveland Cooper, the clerk to go with me to the reformatory. Mr. Cooper and I went to the reformatory and went into Mr. Lovvorn's room. Mr. Lovvorn was at the time sick in bed and the whole transaction took place in Mr. Lovvorn's room and in his presence. Before I said anything to George Epps, Mr. Lovvorn asked George Epps whether he, Epps, had testified in the Frank case and asked if he told the truth or something which was not the truth, and Epps told Mr. Lovvorn that he had testified in the Frank case and that he had told an untruth at the trial. Mr. Lovvorn asked Epps if he now wanted to tell a different story, and Epps said that he did. I handed Epps the affidavit and from a copy of same I commenced reading same to Epps. Mr. Cooper,

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the Clerk, looked over my shoulder and following the whole time I was reading the affidavit to Epps. One or twice there were small mistakes/^{to} which Epps called my attention and Epps followed in the minutest manner the whole affidavit, which he afterwards signed. The Clerk, Mr. Cooper then asked Epps if he was willing to swear to the contents of the paper which he had read. Epps then help up his right hand and swore in Mr. Cooper's presence the the affidavit was the truth and nothing but the truth, so help him God. Epps signed the affidavit in the presence of Mr. Lovvorn, Mr. Cooper and myself. Mr. Cooper thereafter affixed his signature and upon returning to his office in the court house put his seal on the affidavit/

I am associated with the law firm of Rosser, Brandon, Slaton and Phillips, but am not a member of said firm. I have assisted Mr. Rosser and H. J. Haas from time to time in connection with matters in detail which have come up in the court of the Frank case, but have never been employed by Leo M. Frank or had any part whatever in the conduct of his case. I have read the affidavit of C. A. Isom, a witness for the State, and those parts which relate to my being in Chicago, Ill., in April 1914. Shortly before the date mentioned, Mr. H. J. Haas asked me if I would go to Chicago for the purpose of examining certain affidavits which it was expected would be taken in Chicago. I did go to Chicago and did meet and talk with C. W. Isom in the office of W. J. Burns in said place. Some operatives of Mr. Burns told me that they had talked with Aaron Allen, also a Mr. Jacobs, Isom talked with Allen and so did Mr. Burns and all stated to me that the statements made by Allen had no bearing whatever on the extraordinary motion for new trial. I told Isom that since he and others had talked with Allen and there was nothing to be gotten from Allen I saw no reason why I should talk to Allen and declined to see Allen or talk with him at all. The only affidavit taken in my presence was an affidavit of the negro Calhoun, and as the contents were of doubtful relevancy to the issue involved, this affidavit was not used by counsel for Frank. I have read that part of Isom's affidavit in which he stated that Burns used certain profane language, and if such language was used, it was not in my presence of hearing. Said Isom is mistaken in his recollection as to what Mr. Burns' son said about Allen desiring to speak to me.

Mr. Burns's son brought me no such message. He did tell me however, that he, Burns, desired me to talk to Allen. I told said Burns that it would be presumptuous for me to attempt to talk with Allen after he, Burns, several of his operatives, Jacobs, Isom had talked to Allen with identical results and for this reason I declined to talk to Allen. No affidavit was made by a Salvation Army man in my presence.

JOSEPH W. CONROY, Sworn for the Movant. I am a Notary Public in and for the County of Hamilton, State of Ohio. On February 5, 1914 I met C.W. Burke of Atlanta, and went with said Burke to the home of the Good Shepherd, in Cincinnati, Ohio, and interviewed Dewey Hewell, an inmate of said home. She was brought to the visiting room of the home by one of the Sisters in charge and left alone with us, and Mr. Burke explained that he had called on her for the purpose of getting her to tell the truth regarding her testimony at the trial of Lee M. Frank. Burke had only talked to Dewey a short time when she started crying and told Mr. Burke that she had not testified to the truth. Before affixing my signature hereto I have carefully read over the affidavit of February 25, 1914, to which I administered the oath to Dewey Hewell, and Dewey Hewell testified that the affidavit referred to was every word the truth and C.W. Burke did not hold out any inducements to Dewey or promise her reward of any kind for her affidavit, but that she gave her affidavit freely and of her own accord.

GEORGE WRENN, Sworn for the Movant. I never did tell the negroes Fred Perkerson and Frank Reese that they had a good chance to make money, nor did I ever tell them they both could go into Conley's cell and then come out and say that Conley had confessed that he had killed the girl, that the Jews would pay them if they would do this, nor that they would get out of jail after ~~Six~~ Christmas and would have no money and that this was their chance to get money, or that Conley was no relation of theirs. I never at any time was talking to Conley in the presence of either of these parties and told Conley that the thing for him to do was when he got his sentence was for him to take the murder on himself and in this way free Frank, or that he (Conley) would only get about six or twelve months sentence and that he never could be tried again. No such

conversation was had with Conley and hence Conley had no chance to decline it. I was in Conley's cell once or twice for the purpose of giving him medicine, but sometimes in there by myself. Neither of the parties aforesaid told me that I had as much opportunity to go into Conley's cell as they had and that I could swear that Conley had confessed to me as well as to them, nor did I say to either of them "You are a damn fool; I am not going to mix in it." I knew Annie Maud Carter while she was in jail, but never tried to induce her to get any confession from Conley, nor did I ever seek to bring Annie Maud Carter and Conley together. No one ever sought to have me influence Annie Maud Carter with reference to Conley, nor did I know anything about the statements that Annie Maud Carter is said to have made in this case until after it was made. As to this statement, I had nothing to do with it.

J. W. WRENN, Sworn for the Movant. It is not true that I ever sought to have John Shields make an affidavit stating that Jim Conley had been down on him or that ^I he had asked ~~him~~ him to let Conley go down on him, or that if he (Shields) would swear to this lie for me I would dress him up and send him to Cincinnati or anywhere else. I never said anything to Shields about Conley being a cock sucker, or that I said to Shields a few weeks ago "John, I am in a hell of a fix; I have got to get something good; don't you know a negro woman I can get who will swear that Jim Conley went down on her". I never wanted Shields to hunt up a negro woman for me, and never had any such conversation with John Shields at any time.

C. E. BURKE, Sworn for the Movant. I have read the affidavit of R.P. Barrett, dated April 28, 1914. It is true that Jimmy Wrenn was working for me and that Jimmie Wrenn introduced R.P. Barrett to me under the assumed name of J.W. Kelly, and that I posed as a magazine syndicate press agent and endeavored to secure an affidavit from Barrett in a room in the Kimball House and that Barrett told me that he did not believe Leo M. Frank guilty, but did believe that Mary Phagan was killed on the second floor of the pencil factory, and that he, Barrett, was entitled to the reward for making the discovery. Barrett explained to me that he was preparing a history of the case and I offered to assist Barrett, and asked Barrett to bring his notes and all records he had accumulated to me, but Barrett did not do so. U

I endeavored to get an affidavit from Barrett, but Barrett stated that he would sign no affidavit for any one. I impressed it upon Barrett that I only wanted the truth, and would be very glad to go with Barrett before Hugh Dersey, or Madison Bell, his (Barrett's) attorney before asking him to affix his signature thereto, but Barrett refused. I did not authorize Jimmie Wrenn or any other person to secure railroad passes for the purpose of taking Barrett out of the city. I did tell Barrett that if I should put a lie of any kind in an affidavit and send it into the house I was representing that they would discharge me. I did not tell Barrett that I had a brother who was the master mechanic at the Southern Railroad shops or that I could secure Barrett a good job in Hutchinson, Kan. I did not offer Barrett a reward of any kind, or that he would be rewarded with enough money to buy a house and lot. ^{Barrett} I did tell me Barrett that he could make enough money of the sale of his book to buy him a house and lot.

NELLIE WOOD, Movant introduced the following testimony of Nellie Wood, delivered before the Coroner's inquest, before Paul Donehoo,

Coroner:

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

Q. Where do you live? A. No. 8 Corput Street.

Q. Do you know Mr. Frank? A. I don't know him personally. I worked for him two days is all that I know about him.

Q. Two days? A. Yes sir.

Q. Did you observe his conduct towards his employees? A. Yes sir.

Q. What was it? A. Well he employed me to be a forelady for him.

Q. Well, did you observe his conduct towards the girls? A. His conduct didn't suit me very much.

Q. Well, tell us what it was. A. Well, he would come around and put his hands on me when it was all uncalled for.

Q. Did you ever see him put his hands on any of the other girls?

Q. No, I never did.

Q. You say that he put his hands on you; is that all that he did?

A. Well, he asked me one evening - I didn't work but the first day, and he would bring the orders out to me and take hold of me, and that didn't suit me much, about him talking hold of me, and the next evening, he asked me to come to his office, that he wanted to talk business with me, and I went in and his subject was he wanted to know if I was going to stay, he didn't care to take me and train me without I was going to stay, and he wanted to close the door and I asked him not to and he told me that I need not be afraid, there wasn't anybody coming in his office, and he got too familiar with me, and one thing I was I thought he got too close to me and I didn't like that.

Q. Now, you speak of his putting his hands on you, how did he put his hands on you, how did he put his hands on you -- anywhere about your body? A. Yes sir.

Q. What part of your body? A. Well, as well as I remember I didn't let him complete what he started.

Q. Well, where did he put his hands, that is what I want to find out? A. Like that (illustrating), but I resisted him so he didn't overpower me in any way; just put his hands kind of, (illustrating), and he acted like it was a joke, still I was too old for that.

Q. Did he put his hands on your breast at all? A. No, but he tried to, and I guess he would if I hadn't resented it.

Q. On your hips at all? A. No.
 Q. Well, did he make any effort at all to pick up your lower limbs?
 A. Yes sir.
 Q. And your dress? A. Yess, sir, while I was sitting down talking to him.
 Q. How long ago was that? A. It has been two years ago in March.
 Q. What did you say after staying there? A. What did I say?
 Q. Yes, A. Why, I just quit. I didn't go back any more until Saturday, and I went back for my money and I told him it didn't suit me, I thought he had the wrong girl.
 Q. Have you ever had any experience in this work? A. No sir, he had to learn me.
 Q. What department did he make you forelady over? A. On the fourth floor, as well as I remember, but there was a foreman there - I don't remember his name, I didn't remember Mr. Frank's name until his picture came out in the paper, I didn't think about his name any more; it passed my mind.

JIMMY WRENN, Sworn for the Movant. I know R.P. Barrett and worked with him at the National Pencil Factory. It is true that I met Barrett near the corner of Marietta and Forsyth Streets not long after the trial of Lee M. Frank and talked to him about the case and other matters. It is not true that I told Barrett that I was in a position to make a barrel of money if he would go to New Orleans and change his statement in the Frank case. At the time of the conversation Barrett complained that he was out of work and hard up and asked me to induce Burke to get his job back at the factory, and I told him that I would speak to Burke about it but did not think Burke would undertake to do ~~any~~ anything of that kind. At the time of the conversation, I told Barrett that I was ^{thinking of} going to New Orleans and that I would like Barrett to go with me, as I did not like to go by myself, and Barrett stated he would be glad to go as there was nothing to do in Atlanta. I made arrangements to meet Barrett at the Terminal Station within a day or two and Barrett met me there and told me that his wife would not permit him to leave the city. I again conversed with Barrett at a later date about going to New Orleans for the purpose of securing work, and we met at a certain appointed time, but Barrett again stated that it would be impossible for him to leave the city at all, as his father and wife ~~threatened~~ objected. At a later date I met Barrett on the street and he told me that he was engaged in writing a history of the Frank case, but complained that his lack of education hampered him, and I told Barrett that I had a friend named Kelly writing up a history of the case, who would in all probability assist him. I told Burke of this, who rented a room at the Kimball House and I brought Barrett to Burke's room and introduced him as "Mr. Kelly" and I was present during the entire conversation. I heard Barrett tell Burke that

he believed Leo M. Frank innocent, but that he believed the murder had been committed on the second floor of the factory; that he also believed the hair taken from the lathe machine was that of Mary Phagan's, and that he was entitled to the reward which had been offered for the conviction of the murderer of Mary Phagan. Burke was ~~amixing~~ desirous of seeing the notes of Barrett in getting up the book that Barrett intended getting up on the case and promised to let Burke have them the next morning. Burke explained that it would be impossible for him to help Barrett, unless he could see the notes, or unless Barrett would make Burke an affidavit with reference to his information on the subject. At this point Burke produced a paper and starting making an affidavit from Barrett, when Barrett stated that he would not make an affidavit of any kind. Burke told Barrett that to prove to him that he (Burke) was not trying to "trick" him he would be willing to go with Barrett before Hugh Dorsey, or Barrett's attorney with the affidavit, but Barrett refused. I never told Barrett not to tell any conversation that ever took place between me and Barrett ~~in~~ or that Barrett should give him a few days to leave the city if he ever should tell. There were no reason for doing so as nothing wrong had taken place between us. I never promised to secure passes to New Orleans for Barrett. I am not in the employ of the Railroad and have no way of securing passes. It is true I loaned Barrett \$1.00 because he said he was hungry and had no car fare and Barrett begged so hard that I let him have it to get rid of him. I heard the conversation between Burke and Barrett with reference to blood spots alleged to have been found by Barrett, but Burke passed lightly over this part of their conversation. Burke did not at any time mention reward for evidence with reference to any evidence of any kind.

C. W. BURKE, Sworn for the Movant. On two occasions I took affidavits from Miss Lillie Pettis, one on the 29th day of October, 1913, hereto attached, marked Exhibit A and one on the 30th day of Oct., hereto attached marked Exhibit B. These affidavits were read over to Miss Pettis and she signed the same voluntarily and that not one word was added therein that Miss Pettis did not state to be the truth. The exhibits hereto attached were not entitled in

the case, and on April 9, 1914, I, together with Dan S. Lehon and J.O. Knight, retook the affidavits, hereto attached, marked Exhibits C and D. When affidavit Exhibit D was being taken by J.O. Knight, a Notary Public, Miss Lillie Pettis declined to testify that she did not believe her sister was telling the truth about Mr. Frank winking at her, and that statement was stricken out of the affidavit

(The following are the exhibits attached to the above affidavit.)

"Georgia, Fulton. Personally appeared Mrs. Lillie May Pettis, of No. 43 Givrrard Street, in the City of Atlanta, Fulton County, Georgia, who upon oath, deposes and says that she worked at the National Pencil Company's factory in this city for three years, off and on, leaving the services of the factory about three weeks previous to the murder of Mary Phagan.

Deponent says that she knows one Jim Conley, colored, who used to be employed at the factory as a sweeper, also stating that she is acquainted with Mr. Leo M. Frank.

Deponent states that never, during her employment at the Pencil Factory, did she see Mr. Frank act in any way unbecoming to a gentleman, and that, at no time during her employment at the factory, did Mr. Frank ever say anything to her approaching familiarity, or of an insulting nature. Deponent further says that, through the capacity in which she was employed at the pencil factory, she was thrown in contact with Mr. Frank several times every day and that she never saw him laughing and joking with any of the girls and that his demeanor and actions at all times was business-like in every way.

Deponent further says that never, during her employment at the factory, has any girl or woman ever remarked in her presence that Mr. Frank had been familiar with them, or had in any manner insulted them, and she never heard any of the employees at the factory make any complaint regarding any attempts at familiarity on the part of Mr. Frank toward them.

Deponent further states that she and other girls have worked at the factory as late as nine o'clock at night and that Mr. Frank was present with them; and, aside from certain directions that he was obliged to give them concerning their business and their work, he had nothing whatever to say to them, and that he never committed any acts that anyone could take exception to.

Deponent also says that she is a sister-in-law of Nellie Pettis, who, she says, has stated that Mr. Frank on one occasion while she was at the factory, winked at her and asked her the question "how about it". Deponent says that she does not believe her sister in law Nellie Pettis is telling the truth when she makes this statement; that she does not believe Mr. Frank ever winked at Nellie Pettis or made any of the remarks referred to by her.

Deponent also says that on one occasion, before the murder of Mary Phagan, she, in company with one Catherine Christian, another girl who was employed at the factory were entering the building from the street and met the negro sweeper, Jim Conley, standing at the foot of the stairs near some old boxes, near the elevator and that he accosted them and said: "I understand you girls have quit your position", and they told him that he was mistaken, that they had not quit, and had no intention of doing so at that time. Then Conley said: "I am sure glad to hear that you are not going to leave, as I am going to buy both of you girls a Christmas present, because you are both such pretty girls."

Deponent says that, on another occasion, she was standing near the elevator on the second floor of the factory, and that Conley approached her and said: "Miss Lillie, you are sure a good looking girl" and I sure am sorry that I am not a white man."

Deponent further states that she was always afraid of Jim Conley, and that she made it a point never to place herself in such a position as she would be caught alone with Conley.

Deponent further says that once, before the trial of Leo M. Frank, and three times during the trial, that detective Bass Rosser

and a very large fat man, whose name she does not know, called on her at her home, and that Bass Rosser tried in every way possible to make her state that Mr. Frank had been familiar with her at the factory and that she had seen him acting in a familiar way with other girls at the factory; that the said Bass Rosser coaxed her, plead and even got mad with her because she would not swear to these things for him. Deponent further states each time that he called on her, she always stated that she had always found Mr. Frank to be a perfect gentleman and never knew him to commit any of the acts which Mr. Rosser was trying to make her swear that she had seen and heard.

Deponent makes this affidavit of her own free will and accord without any promises of reward whatsoever.

(Signed) Lillie Pettis

Sworn to and subscribed before me
this 20th day of October, 1913,
C.W. Burke,
Notary Public, Fulton County, Ga."

(Exhibit B is an exact copy of the above affidavit, except that it is entitled in the case, is signed before J.O. Knight and has the following stricken: "Deponent also says that she is a sister-in-law of Nellie Pettis, who she says has stated that Mr. Frank on one occasion while she was at the factory, winked at her and asked her the question "How about it?" Deponent says that she does not believe her sister in law, Nellie Pettis is telling the truth when she makes this statement; that she does not believe Mr. Frank ever winked at Nellie Pettis or made any of the remarks referred to by her.")

Exhibit B.

Georgia, Fulton County:

Personally appeared Mrs. Lillie Mae Pettis of No. 43 Giffard Street, Atlanta, Fulton County, Georgia, who, upon oath deposes and says that on three occasions while she was employed at the National Pencil factory, in this city, and for various reasons, she sent her sister-in-law Miss Nellie Pettis, to the Pencil factory for her pay, each occasion on which she sent her sister-in-law, Miss Pettis, to the factory being Saturday, which was the regular factory pay-day.

Deponent says that on each occasion she sent Miss Pettis to the factory for her pay, she gave Miss Pettis a written order for her salary, addressed to Miss Eula May Flowers, deponent's fore-lady.

Deponent further says that, on each occasion when she sent Miss Nellie to the factory for her pay, deponent's place of residence was then at the home of Miss Nellie Pettis and her mother, which was No. 9 Oliver Street, in this city.

Deponent also says that when Miss Nellie delivered her salary on the first two occasions that deponent had sent her after same, deponent asked Miss Nellie what Miss Flowers had said to her with reference to deponent and her absence from the factory, and that Miss Nellie replied that Miss Flowers had not said anything whatever regarding deponent, but that Miss Flowers simply handed her deponent's money without remarks.

Deponent also says that on the third occasion when Miss Nellie went to the factory for deponent's pay, she accompanied Miss Nellie as far as Forsyth and Hunter Streets and waited there while Miss Nellie went in the factory after deponent's pay; and deponent says that Miss Nellie was not in the factory exceeding five minutes. Deponent says that as soon as Miss Nellie got out of the factory with deponent's pay, she asked her if Miss Flowers had asked her any questions regarding deponent, and Miss Nellie again replied that Miss Flowers did not ask her any questions, but had gone into the office, secured deponent's pay, and handed it to her.

Deponent says that Miss Nellie never said anything to her about meeting, or seeing, Mr. Frank, on any of the occasions she had been sent to the factory, and deponent further says that Miss Nellie was never at the factory but four times, three of these times being described in the above statement. The fourth occasion was more than a year ago, when Miss Nellie accompanied deponent to the factory for the purpose of seeking a position in the factory under Miss Eula Mae Flowers; that Miss Nellie asked Miss Flowers for a position, and that the application for this position took place at about 7:10 a.m., and before Mr. Frank had come to the factory, deponent being familiar with the fact that Mr. Frank did not

reach the factory until about 8 A.M. Deponent says that, after making application to Miss Flowers for a position, Miss Nellie immediately left the factory; and deponent is sure that Miss Nellie did not at any time come in contact with Mr. Frank and is further sure that if she had seen him in the factory, she would not have known him, as deponent had never at any time pointed out Mr. Frank to her, and Miss Nellie had never told her that she knew Mr. Frank.

Deponent also says that Miss Nellie never stated to her that she had ever been insulted at the factory by Mr. Frank, or anyone else, and says, further, that the first time she ever heard Miss Nellie say that Mr. Frank had insulted her was on the occasion of the first visit of Detective Bass Rosser at her home at No. 9 Oliver Street, when Mr. Rosser had called upon deponent asking her to swear against Mr. Frank; and says, that during the conversation between deponent and Mr. Rosser, that Miss Nellie was present and interrupted the conversation by stating to Mr. Rosser that she could tell something against Mr. Frank. Deponent says that Mr. Rosser immediately dropped his conversation with her and applied his attention to Miss Nellie. Deponent says that she heard Miss Nellie tell Mr. Rosser that, on one occasion when she had been sent by deponent to the Pencil Factory to get deponent's salary, that Mr. Frank had winked at her and asked her: "How about it?" Deponent says that there was another man with Mr. Rosser, on the occasion of the conversation referred to; that she does not know who this man was, but that he took a statement from Miss Nellie, which was signed by Miss Nellie in deponent's presence. Deponent further says that after detective Bass Rosser and the man with him left their home, she said to Miss Nellie: "It is very peculiar that you never before mentioned about Mr. Frank, or anyone else, had insulted you while at the Pencil Factory." Deponent says that Miss Nellie replied that she had decided to keep the matter to herself and admitted that she never mentioned it before telling it to detective Bass Rosser.

(Signed) Lillie Pettis

Sworn to and subscribed before me
this 0th day of October, 1913,
(Signed) C.W. Burke,
Notary Public, Fulton County, Ga."

(Exhibit C is an exact copy of the above affidavit,
except that it is entitled in the case and is signed before J.O.
Knight, on April 9, 1914.)

C. W. BURKE, Sworn for the Movant. I have read the affidavit of Carrie Smith, known as No. 2 9410, dated April 20, 1914, and sworn to before W.F. Young, Notary Public. Never at any time since I was engaged upon the case of Leo M. Frank have I promised any person or persons money, or a fee of any kind, for giving evidence or making affidavits of any nature whatever, or that at any time I have used assumed names. I never at any time used the assumed name of Maddox and while I have taken affidavits from Carrie Smith, I did so under my own name, and most positively did not promise her anything or offer her any reward for making the affidavits referred to.

J. W. WREN, Sworn for the Movant. I have never been in the employ of Leo M. Frank or Frank's counsel, and never until today have I ever been in the private office of L.Z. Rosser, or spoken to Mr. Rosser about the Frank case until this day, nor did either Mr. Rosser or Mr. Brandon know me by sight until this day. I have

done certain work for C.W.Burke, and when he employed me to work in this case, he instructed me that nothing was to be done in this case, except to seek the truth, and I have never done anything except at Burke's direction, and I have never done anything except what was just and fair. I have never offered to pay anybody anything to testify in this case, nor ever offered to reward them in any way.

The hearing of said extraordinary motion for new trial came to an end on the 6th day of May, 1914, which was during the May Term of said Superior Court, and on said 6th day of May, 1914, the court rendered a judgment denying said motion for new trial and overruling the same. To this judgment and decision of the Court, movant, Leo M. Frank, then and there excepted, and here and now excepts, and assigns the same as error, and specifies as the error that the Court erred in not granting a new trial upon each and every ground contained in said extraordinary motion for new trial and in each and all of the amendments thereto, and hereby refers specifically to each ground in said extraordinary motion and its amendments, and says that each of said grounds demanded a new trial.

The above and foregoing contains a full and complete recital of all of the evidence adduced on said hearing and necessary to a clear understanding of the errors complained of.

As material to a clear understanding of the errors complained of, defendant, Leo M. Frank, specifies the following portions of the record:

1. The indictment.
2. The plea of not guilty.
3. The brief of evidence, *original and amended motion for new trial* approved by the Court on the 31st day of October, 1913, thereby made a part of the record of the case of the State vs. Leo M. Frank, and which ~~was~~ ^{was} certified and sent to the Supreme Court as part of the record in the case of the State vs. Leo M. Frank, decided by the Supreme Court on February 17, 1914.

4. The extraordinary motion for new trial, together with the order and the entries thereon, filed on the 16th day of April, 1914.

5. The 1st amendment to the extraordinary motion for new trial, together with the order and entries thereon, filed on the 4th day of May, 1914.

6. The 3rd amendment to the extraordinary motion for new trial, together with the order and entries thereon, filed on the 4th day of May, 1914.

7. The 4th amendment to the extraordinary motion for new trial, together with the order and entries thereon, filed on the 28th day of April, 1914.

8. The 5th amendment to the extraordinary motion for new trial, together with the order and entries thereon, filed on the 8th day of May, 1914.

9. The 6th amendment to the extraordinary motion for new trial, together with the order and entries thereon, filed on the 9th day of May, 1914.

The order of court striking the second amendment to extraordinary motion for new trial, dated April 28-1914.
10. ~~The 7th amendment to the extraordinary motion for new trial, together with the order and entries thereon, filed on the 9th day of May, 1914.~~

11. The response of the State to the extraordinary motion for new trial, filed April 23, 1914.

12. The response of the State to amendments 1, 2, 3, and 4, filed May 1, 1914.

13. The response of the State to the 5th amendment, filed May 8th, 1914.

14. The judgment of the Court overruling said extraordinary motion for new trial, dated the 6th day of May, 1914.

And now within the time provided by law and within twenty days of the entry of the judgment overruling said motion for new trial, comes the defendant and tenders his Bill of Exceptions, and prays that the same may be certified as provided by law in order that the errors complained of may be considered

and corrected by the Supreme Court of Georgia.

Rosser & Brandon

Reuben R. Arnold

Herbert J. Haas

Leonard Haas
Attorneys for Leo M. Frank.

Post Office Address:

Atlanta, Georgia

I do certify that the foregoing bill of exceptions is true, and contains and specifies all of the evidence, and contains and specifies all of the record material to a clear understanding of the errors complained of; and the Clerk of the Superior Court of Fulton County is hereby ordered to make out a complete copy of such parts of the record in said case as are in this bill of exceptions specified, and certify the same as such, and cause the same to be transmitted to the Supreme Court of Georgia at such time and in such manner as the law regulating bills of exceptions in cases of this character requires, that the errors complained of may be considered and corrected.

This 26th day of May, 1914.

Bing H. Hill
J. S. C. A. C.

Due and legal service of the within bill of exceptions is hereby acknowledged.

This 30th day of May, 1914.

Rea Stephens

Hugh M. Barlow
Solicitor General Atlanta Circuit