

RETRACTS EVIDENCE FOR FRANK DEFENSE

**Duffy, Who Recanted as a State
Witness on Bloodstains, Re-
verts to First Story.**

CHARGES TO JURY TO-DAY

**Dorsey to Ascertain Methods of De-
fense Agents in Getting Affidavits
Since Repudiated.**

Special to The New York Times.

ATLANTA, Ga., May 3.—When the hearing on the extraordinary motion for a new trial for Leo M. Frank, convicted of the murder of the little girl, Mary Phagan, is resumed to-morrow, Judge B. H. Hill will begin an inquiry into the various charges of bribery, perjury, and subornation of perjury that have been injected into the case. The charges involve agents for the defense, and they are so numerous and sensational that interest in the fate of Frank has become secondary for the time being.

A development in the case to-day was the repudiation of evidence by another witness, J. E. Duffy, who was arrested on Friday night on an attachment issued at Solicitor Dorsey's request by Judge Hill.

Duffy, after spending Friday night and Saturday under arrest, has made a sensational affidavit for the State, asserting that his original testimony at the trial was the truth, and that he was bribed by agents of the defense to make the affidavit quoted in Frank's extraordinary motion for a new trial.

The solicitor is closely guarding the name of the man against whom Duffy makes specific charges, although the affidavit will probably be read and its full contents disclosed at Monday's hearing.

By Duffy reversing his testimony, the defence claimed to have annihilated the blood-spot evidence against Frank. Duffy was used by the State at the original trial to tell of an accident he had in the factory near the spot where the State maintained Mary Phagan was killed. At the trial Duffy swore that when hurt he spilled very little, if any blood there. In the affidavit made to the defence he attacked Solicitor Dorsey, and said that because of the Solicitor's leading questions and insistence he did not give the exact story. He further said that he probably spilled much blood there as the result of his accident. It is this evidence that he now recants.

The release of Duffy was ordered immediately after he made the affidavit for the State.

Solicitor Dorsey has had subpoenas issued for C. W. Burke, the private detective for Frank's counsel and a number of investigators who have been active in gathering new evidence.

Burke will face a volley of questions from the Solicitor General to explain the charges of criminal acts, forgery and coercion, made against him by numerous witnesses.

Process servers from Mr. Dorsey's office are out armed with papers to be served upon Burke, Jimmy Wrenn, George Wrenn, Joe Jacobs, and a number of others.

Mr. Dorsey has announced that he means to find out what methods were used in obtaining certain affidavits submitted by the defense, since repudiated by a number of witnesses, some of whom even swear that they did not make affidavits accredited to them.

Dan S. Lehon, Detective Burns's lieutenant, who has been an active figure in the Burns investigation of the Frank case, will also be out on the stand to-morrow morning. He will be asked to explain the affidavit of the Rev. C. W. Ragsdale, the preacher, who made and then repudiated a sworn statement to the effect that Jim Conley had confessed, and who now asserts he had a money offer of \$200 from Burns agents.

To Explain Alleged Spying.

Another man to be examined by Dorsey is Carlton C. Tedder, said to be a Burns detective, who was associated with William M. Smith, Jim Conley's lawyer, and who, it is said, kept his connections with the Burns agency a secret from Smith. Tedder will be asked to explain whether or not he spied upon Smith, and whether or not Smith's movements with Conley on behalf of the negro were reported to the Burns agency.

Following Mr. Dorsey's grilling of Detective Burns on Saturday, Mr. Dorsey's coming examinations of Burke, Lehon, and the others have created lively speculation. Mr. Dorsey is anxious to ask Detective Karst regarding the affidavit of Marie Karst, the business college student and character witness, who swore that she was brought under Burke's influence by a threat to expose an indiscretion she committed when she was 15 years old. Her affidavit is a direct accusation of the methods employed by Burke.

Burke will also be asked to explain other charges made against him, including bribery, attempts at bribery, and coercion. Similar charges will have to be answered by Jimmy Wrenn, said to have been associated with Burke, and by Wrenn's brother, George Wrenn, who recently served a twelve months' sentence for complicity in the noted Gilsey diamond robbery.

Joe Jacobs, a Decatur Street pawnbroker, said to have been connected with the Chicago angle of the new evidence which involves Aaron Allen, a negro interviewed by Burns, will be asked to explain the transaction, and also charges made against the methods alleged to have been used on the Chicago negro.

Lehon will be asked to explain the hearing will be asked to explain the affidavit for the defense that Conley had confessed to her that he murdered

Mary Phagan. Detective Burns admitted while on the stand that he ordered the woman to be sent to New Orleans to prevent the State getting hold of her.

Mr. Dorsey brought out that Mr. Burns did not unearth the letters said to have been written to Carter by Conley. C. W. Burke, according to Burns, brought them to him, and George Wrenn, an inmate of the Tower, made the first interpretation of the scrawls.

Comparing them with the "murder notes" found by the body of the Phagan girl, Mr. Burns said that words were virtually identical where they occurred in both notes. He asserted that the murder notes, considered in conjunction with the other circumstances of the crime, made it plain to him that Conley was the murderer. He held that Conley's assertion that he could write but little was contradicted by the lengthy and frequent letters he wrote to Annie Maude Carter, and that the Solicitor was refuted in his argument that the murder notes, because of the presence of the words "negro" and "d.d." must have been dictated by a white person. The letters to Carter, he said, contained these same words, spelled the same way.

The Grand Jury meets to-morrow, and will be asked to act on the charges of perjury and subornation of perjury. Solicitor Dorsey says he has absolute proof of the charges, and expects many indictments to be returned. He stated that several persons would be put in the penitentiary as a result of the developments.

Detective Burns has left the city for Oklahoma. He stated that he would return within ten days or less, and that his investigation would continue during his absence under the supervision of Lehon.

The hearing of the extraordinary motion for a new trial for Frank should be concluded by Wednesday, and it is expected that before the end of the week Judge Hill will announce his decision.

Thereafter, probably some time the week after, the court will take up the motion to set aside the verdict because Frank was not in court when it was rendered. This is the motion filed by Attorney Tye and others.

Leo Frank spent a quiet day in his cell in the Tower. He seems unperturbed by the recent developments in the case and expresses confidence that he will ultimately be freed.

"I did not kill Mary Phagan," he said, "and I am confident that the State of Georgia will not hang an innocent man."