

RE-DIRECT EXAMINATION.

I got information as to Conley writing through my operatives while I was out of town. McWorth told me when I returned. I got no information personally about Conley being able to write from the Pencil Company people. Personally I did not get information as to Conley's being able to write from Pencil Company. I got it from outside sources, wholly disconnected from the pencil company. As to whom I first communicated anything about Mrs. White's statement about seeing a negro down there, my impression is I told it in my many conversations with Black, and Chief Lanford and Bass Rosser. Don't know the day. It was shortly after April 28th. After Conley made his last statement Chief Beavers, Lanford and I went to the jail with Conley and saw the Sheriff and he went to Frank's cell. The last time I saw Frank was Saturday, May 3rd. As to whether Mr. Frank refused to see me only through Sheriff Mangum, as to the number of matters I told Conley didn't fit the first time and those I told him didn't fit the last time, I could not name those, that would almost be impossible unless I had the statement clear in my head. I never suggested what to put in or what to substitute or what to change. That came from Conley himself.

THE STATE RESTS

EVIDENCE FOR THE DEFENDANT.

W. M. MATTHEWS, Sworn for the Defendant.

I work for the Georgia Railway & Electric Co. as a motor-man. On the 26th day of April I was running on English Avenue. Mary Phagan got on my car at Lindsey St. at 11:50. Our route was from Bellwood to English Avenue, down English Ave. to Kennedy, down Kennedy to Gray, Gray to Jones Ave, Jones Ave. to Marietta, Marietta to Broad, and out Broad St. From Lindsey Street to Broad is about a mile and a half to two miles. We make frequent stops. We were scheduled to arrive at Marietta and Broad 12:07½. We were on schedule. We stayed on time all day. Our car turned up Broad St. Mary Phagan got off at Hunter and Broad. It takes generally from two and a half to three miles from Marietta to Broad and Hunter. That is a very congested



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street and you must go slow. I was relieved at Broad and Marietta by another motorman, but sat down in the same car one seat behind Mary Phagan. Another little girl was sitting in the seat with her. We got to Broad and Hunter about 12:10. Mary and the other little girl both got off and walked to the sidewalk and they wheeled like they were going to turn around on Hunter Street, both of them together. The pencil factory is about a block and a half from where they got off at Hunter and Broad. Nobody got on with Mary at Lindsey Street. There wasn't any little boy with her. The first time I noticed the little girl sitting with Mary was when we left Broad and Marietta Street and I went back into the car and saw this little girl sitting with her. I know the little Epps boy. I have seen him riding on my car. He did not get on the car with her at Lindsey Street. I saw Mary's body at the undertaker's. It was the same girl that got on my car.

CROSS EXAMINATION.

I did not tell one of the detectives that we might have been running three or four minutes ahead of schedule that day. I remember that Mary did not get off the car at Broad and Marietta because there was a street car conductor sitting behind me, and ex-conductor and he had a badge on his coat and I looked at it and it had a little girl's picture and I reached over to where Mary was and said, "Little Girl, here is your picture," and she said, "No, it is not." I don't know who the other little girl was sitting with her. The other little girl was dressed something like Mary. I didn't pay much attention to their dresses, but they looked sort of alike. Mary's dress wasn't black. It was light colored. I know Epps since this case came up. I could identify him. I never paid much attention to her hat. It  
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that way.



RE-DIRECT EXAMINATION.

I identified Mary's body Sunday afternoon after the murder at the undertaker's. There was no doubt about her being the same girl. I knew her well by sight. She rode on my car lots.

Re-CROSS EXAMINATION.

I can't tell you whether that is the hat or not she wore.

W. T. HOLLIS, Sworn for the defendant.

I am a street car conductor. On the 26th of April I was on the English Avenue line. We ran on schedule that day. Mary Phagan got on at Lindsey Street at about 11:50. She is the same girl identified at the undertakers. She had been on my car frequently and I knew her well. No one else got on with her at Lindsey Street. Epps did not get on with her. I took up her fare on English Ave., several blocks from where she got on. And no one was sitting with her then. I do not recollect Epps getting on the car at all that morning. Don't know whether anybody else afterwards sat with Mary or not. We got to Broad and Marietta seven and a half minutes after twelve, schedule time. I was relieved at Forsyth and Marietta, <sup>Street,</sup> where I got off. Mary was still on the car when I got off. It takes two and a half minutes to run from Broad and Marietta to Broad and Hunter. I have timed the car again and again since then. I identified the little girl at the undertaker's Sunday afternoon. Didn't notice the color of her clothes.

CROSS EXAMINATION.

Mary rode with us two or three times a week. So did Epps. I don't know where he got off or where he got on. We are not supposed to come in ahead of time. We never come in two or three minutes ahead of time. We are a little late sometimes. I never noticed anybody sitting with Mary.



She was sitting by herself when I got her fare. There wasn't but two or three passengers on the car and I know there wasn't anybody sitting with her. If Epps was on the car I don't recollect it. I don't recall the name of any other passengers except Mary Phagan. As to what attracted my attention to Mary getting on the front end of the car, as a general rule when she would catch our car Mr. Matthews would say to her "You are late today" and sometimes she would come in and remark that she was mad; that she was late today and when she came that morning Mr. Matthews said to her "Are you mad today?" and she said "Yes, I am late." And sort of laughed and came on in the car and sat down. She usually caught our car when she came in the morning. The one due in town at 7:07. I didn't know Mary's name, I just recognized Mary's face as the little girl who traveled with us.

RE\*-DIRECT EXAMINATION.

I heard of the murder next day. Newspaper reporters asked us to go down and identify the girl. There was no doubt about her being the little girl who was on our car. Oliver Street is the next street to Lindsey. I did not see Epps get on at Oliver Street. It is against the rule of the company to get to the city ahead of time.

RE\*-CROSS EXAMINATION.

It is not against the rules to get in behind time. Sometimes we might get there a few minutes ahead of time, but hardly ever. We always look at our watches at the main destination, just as Broad and Marietta. We are supposed to do that.

HERBERT G. SCHIFF. Sworn for the defendant.

I am assistant superintendent of the National Benoil Co.; I have been with the company about five years. Part of my duties was to get up data for the financial sheet. I occupied the same



office as Mr. Frank. I took a trip on the road on the first Saturday in January. All of the Company's money except the petty cash was kept over at Montag Bros. office at the general manager's office, Mr. Sig Montag. All mail of the Company is received at Montag Bros. The men in Mr. Montag's office made the deposit of money of the Company. Mr. Frank and I handled only the petty cash ranging from \$25.00 to \$50.00. When we wanted money for the pay roll, we would get a check from Mr. Sig Montag who signed for the company. Mr. Frank and I had no authority to sign checks. I would go to the bank and get the money and we would go to work at once filling the pay envelopes. We would always draw the exact amount of the pay roll. Our petty cash amounted to from \$25 to \$50. We kept that on hand for items like drayage, kerosene, soap, candles. The money for the cash would also come from Mr. Montag's office. The salary of Mr. Frank and myself were paid by check, on the last of the month, or the first of the next month. Mr. Frank's salary was \$150 a month and my own \$80. Montag Bros. office is about four blocks from the factory. The company's bills were paid from Montag Bros.' office, where all the finances of the company were taken care of. We simply looked after the manufacturing end. The financial sheet which Mr. Frank and I worked on on Saturdays showed how our week terminates, whether at a profit or loss. We had to show what we manufactured, what we packed, the materials that were made to go on the pencils, covering lead, plugs, tips, boxes. We showed our shipments, what our average order jobs amounted to, what we purchased for and the price. Our factory week began on Friday night and went through Thursday night. In making up the financial sheet we would show it as ending on Thursday of every week. We couldn't make it up until Saturday afternoon because our reports very seldom came in before Friday noon and sometimes



Saturday morning and also our pay roll which showed on the financial sheet. These reports and the pay roll were necessary to make up the financial sheet. We paid off at Saturday noon. It has been our fixed custom ever since we have been in existence to make up the financial sheet on Saturday. I help Frank make out the financial sheet by getting up part of the data, getting up a sheet that we term the factory record, the number of pencils packed for the week, getting up the top records; I get the reports from the different foremen and foreladies; I get the slat records from the slat mills, the number of slats delivered to manufacture pencils with, and give him the totals of the pay roll. With the exception of the last week in July and the first week in August, I missed no time from the factory after June 1st, excepting my trip on the road during January. With that exception I have not missed a single Saturday after the first of June, 1912. I usually leave the factory at 12:30 and return at 2 to 2:15. Frank would leave a little after one and return about three. I do not recall a single Saturday that Frank returned earlier than I did. As soon as Frank would get back he would get to work on his part of the data and he would continue to finish the sheet. We both worked together. The street doors were always open. Office boy would be in the outer office. Frequently we were interrupted by salesmen calling on us Saturday afternoon. ~~XXXXXXXX~~ The stenographers came back very seldom on Saturday afternoon. We were liable to be interrupted at any time on Saturday afternoon by people on business. As to who else stayed at the factory on Saturday afternoon, Harry Denham usually, Walter Pride, Holloway, who would stay until 4:30. Newt Lee was the first nightwatchman we ever had. Frank and I usually left the factory at half past five or a quarter to six on Saturdays. ~~we usually left the factory~~



often Mrs. Frank would come up to the office on Saturday. I never saw Conley around the office on Saturday afternoon after two o'clock. We never had any women up in the office. I never saw any there. There is not a bed, cot, lounge or sofa anywhere in the building. There is a dirty box with dirty crocus sacks on it in the basement on the Clarke Wooden Ware Company side. It is very filthy and dirty down there. X U I went on the road on the first Saturday in January, 1913. I got back to the factory that day about 2:15, in the afternoon. There were ten or twelve fellows there. Conley was not there. They were all there and told me goodbye, with the exception of two or three who accompanied me to the train, including Mr. Frank. There were no women at the factory. I have never seen Mr. Dalton in the factory in my life. Daisy Hopkins worked on the office floor. She left the factory June 6th, 1912, as appears on the time book. Never saw her in the factory after she quit work. On the first Saturday in January, Frank remained in the office with me until 5 o'clock to catch my train. I was at the factory last Thanksgiving Day. It was very cold and rainy. It was a holiday at the factory. The office boy and Conley were also there. I ordered Conley to come back that day to clean up the box room with Frank Payne, the office boy. Conley got through about half past ten. I know he did not stay at the factory until noon. Frank and I were all of the time in the office doing clerical work. Frank left that day at 12 o'clock. We left together. I saw Frank catch his car for home that day. Frank was carrying bundles, for the B'nai B'rith, which was going to have an affair that night. Mr. Frank is president of it. It is a charitable organization. It takes care of orphans and things of that sort.



I paid off the help on Friday, April 25th, from the pay window outside of the office. I remember paying off Helen Ferguson that day. Nobody came up to ask for Mary Phagan's pay. Before any one could get another's envelope, they have to have a note to that effect. There was no reason for anyone to go to Mr. Frank to get their pay Friday, April 25, I was at the window paying off employees. We had posters put up all over the factory announcing that Saturday would be a legal holiday and that the factory would be closed. Those who would not call for their pay would frequently come in on the next working day, which in this instance would be Monday. No one could really know whether anyone was coming in for their pay on Saturday or not. Helen Ferguson did not ask for Mary Phagan's pay Friday, April 25th. Mr. Frank and I left the factory between six and six; thirty that day. I was supposed to get up the pencil contracts for the week on Friday. It was necessary to get this up in order to complete the financial sheets. I did not get them up on Friday, because I had to pay off on Friday, and as the week only closed on Thursday night, we had all we could do to figure out the pay roll and get the money before the bank closed at 2 o'clock on Friday. That threw extra work on Mr. Frank in getting up the financial on Saturday. I intended to come back to the factory on Saturday morning, but overslept myself. Mr. Frank called me by telephone twice on Saturday morning. My maid answered the telephone. That picture (State's Ex. "A") shows Mr. Frank's office, inner office, to be bigger than the outer office. As a matter of fact the outer office is twice as large as the inner office. The picture shows an inaccuracy as to the relative position of the elevator shaft from the outer wall of Mr. Frank's office. It is directly opposite the inner office.



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shows it below the time clock nearly to where the staircase is. The door entering into the Clarke Wooden Ware place was open two or three days after the murder. The door was previously locked. There is a hole back there through which waste is thrown down. It is an open hole. There is no lid to it. It is big enough for the body of a girl of the size of Mary Phagan to go through. If a body was thrown down it, it would roll down and stop on the platform. Mr. Frank did not know that I had not completed the data sheet (Defendant's Ex. "3") for him before Saturday morning. It usually took Mr. Frank and me about three hours to finish the financial sheet. This is the financial sheet that Mr. Frank made up on Saturday afternoon, April 26th (Defendant's Ex. "2"). It is in his handwriting. I didn't see it at the factory on Friday. First saw it the following week when I got it back from the General Manager. It is accurately prepared from the calculations left by me on the data sheets. I haven't found any mistakes in it. The first items on it are standing items and do not require any calculation, if you know it. These are the items headed "direct, indirect, rent, light, heat, water, power, insurance, sales department, repair sundries, Mach. Shop." Under the heading "Material Costs", the first figure 2765½ represents the number of gross that we manufactured for that week. That is the data I furnished him through Wednesday night. I left it there on his desk on Friday night. Mr. Frank's calculation corresponds with the data that I left there. He arrived at the same figure, 2765½, that I did. To get that figure he had to enter all his packing reports for Thursday containing two or three pages each that contain



He has to put that down under the number of pencils that shows on this sheet. He has to calculate and have a separate report as to each kind of pencil and then add them up. We manufacture over a hundred kind of pencils. That week we dealt ~~xx~~ with about thirty-five different kinds. To do this you have to add, multiply, classify and separate each pencil into a different class. The next item appearing on the financial sheet is "slats", 2719½. In calculating that he had to calculate the number of gross of slats used, of the product of the pencils, which should check up with the number of gross manufactured. He would have to go through the packing report for that. The next item is "rubber" 720 gross at 6½ cents, 667½ at 9½, ~~xxxx~~ 706½ gross at 14 cents". That means the rubber plug that goes into the pencil tips. The cheaper pencil takes a cheap p plug and the higher grade pencil takes a higher grade plug. That shows how many we use and the kind of plugs; to arrive at that figure he had to go all through the grade of pencils for the entire week, and separate the different ones. That is quite a calculation. Next item is "tips", the different kind of tips that are used on the pencil to hold the plug. He would have to go through the grade for the entire week, just like he did for the rubber. The next item is "Lead" which he had to figure out the same way. Different class pencils take different class lead. The next item is "supplies", that is a fixed thing and involves no calculation. The next thing is "boxes". We have some pencils that are packed in boxes and some that are not packed in boxes, and he had to ascertain what pencils were packed in boxes, and in gross boxes, and in half gross boxes, multiply them, get them all down together under the head of "gross" to know how many boxes we used. Next item is "assortment boxes". He has to sort out his packing reports to know the



number had for that week. The next item "wrappers" requires calculation because every dozen pencils takes a wrapper. People sometimes want them packed in tissue paper, and he has to know which pencils are packed. He has got to go through all the pencils to determine which took wrappers and which did not. Our pencil production averaged 2500 to 3000 gross per week. A gross is 144. The next item is "skeletons". Skeleton is a card board with a little place in it where six pencils go on one side and six on the other and the wrapper goes around it. The assortment boxes don't take skeletons, the cheaper pencils do. He had to know the details of the productions of pencils to determine how many skeletons were used, just like he did the wrappers. The next item that required figures is "lead deliveries". We had two other places where we get materials from, slat mills at Oakland City and lead mills at Bell and Decatur Street. Mr. Frank kept the pay roll for bell street, and the lead deliveries for Bell Street. He had to get up for the next item the slats that were cheap and good. Then he had to calculate all this stuff on down. Next on this big sheet we have the number of every pencil manufactured. We only use the numbers that are packed that week. When he gets through he adds the total of the productions for that week of that department and he comes over here and puts it down and multiplies it by the price, the selling price, and besides these items we have pencils that are bad. For instance, we have some of these jobs, if they have plugs in them that are bad, he has to figure the number of plugs and the number of tips that were in his job and put in all his jobs and come over there and put down what his jobs amount to. That requires quite a good deal of calculating. The handwriting on the financial of April 26th, is in Mr. Frank's usual and average handwriting.



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been over carefully the calculations in it and it represents accurately the operations of the factory for that week. We did not do any of the work on that sheet on Friday. I think it would take about three hours to go through the calculations and complete that sheet. That was our average time. There is no difference in the handwriting of Mr. Frank in the financial sheet of April 26th, from that of the week previous. It is just the same. The financial sheets are all kept in this book here (Defendant's Ex. "9"). The one ending May 30th, 1912, is in Mr. Frank's handwriting. It was made on the Saturday following that date. None of these financial reports could be made in less time than two hours and a half. All these financial sheets beginning with May 30th, 1912, down to date are all in Mr. Frank's handwriting. They were all done on Saturday afternoons. From May 30th, 1912, up to date, Mr. Frank did not miss making a single financial sheet on Saturday afternoon. These are the original financial sheets (Defendant's Ex. "9"). They are kept in our safe at the factory. This little cash book (Defendant's Ex. "10") shows the petty cash checks we receive and what we spend it for, little items like kerosene, things like that. The week of April 26th, we used \$56.53 of the \$96.48 we had, leaving \$40.00 on hand. The next week we had left on hand \$34.54. That is what is marked to balance, but that does not always mean that we have that much money on hand. It means that we have accounted for it. We may have lent it out, in advances to men. We put tickets in the cash drawer when we do that and we count it as actual cash. On that Saturday, we couldn't have over \$30 or \$35 in the drawer. Yes, I am acquainted with Joel Hunter, the accountant, with all the data that goes in the financial sheet and explained it to him. I gave them all the data needed.



necessary to make up the sheet. The sheet here headed "Comparison  
 1912-1913" (Defendant's Ex. "11") is made up by Mr. Frank to show  
 the difference between one week of this year and the same week of  
 last year and in making that up he has to take the financial sheet  
 that he made this year and turn to the financial sheet that he  
 made last year for the same week and compare them. This is the  
 comparison sheet he made on Saturday. It is dated April 24th,  
 1913. (Defendant's Ex. "11"). The requisition and house order  
 book (Defendant's Ex. "12") also show Mr. Frank's handwriting on  
 April 26th. Also the last two lines of these pencil sheets (Def't's  
 Ex. "7") are in Mr. Frank's handwriting. I made up the pencil  
 sheets through Wednesday, but he had to make it up after Thursday.  
 He had to put in all the items from the packing room for Thursday,  
 enter them under the numbers on these other sheets and then add  
 every item for the whole week. Mr. Frank had to fill in April  
 24th on all three papers and then get in all those totals in  
 on that. All of the last two lines are in his handwriting.  
 He added up all this report for Thursday. He went through the  
 report to figure them up, that was usually my work. It would  
 take him about fifteen, twenty or twenty-five minutes. The  
 house order book shows what day an order is received, the firm  
 it is received from, where their place of business and what date  
 it is shipped. As to what work is in this house order book  
 (Def't's Ex. 12) that Mr. Frank did on Saturday, there is work in  
 there in Mr. Frank's handwriting that wasn't in there when I left  
 the night of April 25th. Beginning with item 7187 on page 56,  
 "Received from F. W. Woolworth, store 57, St. Joseph, Mo. came  
 in on the 16th, 17th, to be shipped at once." That is in Mr.  
 Frank's handwriting, he entered that order. He would have to have  
 that before he could enter in that book. The



The next item he entered was "House order 7188, F.W. WOOLWORTH, Store 68, Terre Haute Ind." That was to be filed at once. He would send an acknowledgement card for every order we received. If the order wasn't understood, he would write. The next item he entered was "House order 7189 Woolworth Store 53, Logansport, Ind." to be shipped at once, received on 4-26-13". He figured that order out and entered it. The next order is "House order 7190, store 585 DeKalb, Ill. received 4-26-13, ship at once". The next order is "House order 7191, store 35 Wilkesbarre, Pa. received, 4-26-13, ship at once." Next order "House order, 7192, store 313, Saratoga Springs, N.Y. received 4-26-13 to be shipped at once." The next order is 7193, send by mail to Unites Service, Sioux 5 & 10 cent Store Souix, Mich. received 4-26-13, to be shipped August 1st." Next order is "House order 7194 DuBuque, Iowa, 4-26-13, at once" Next order is "House order 7195, Montag Bros. Atlanta, Ga. received 4-26-13, to be shipped at once." Next is House order 7196, John Leellie, to John Ferguson Comapny, Chicago, Ill., 4-26-13, at once."

Next is "House order 7197, R.E. Kendall Company, Cincinnati, Ohio, received 4-26-13, ship at once". All of these eleven orders are in Mr. Frank's handwriting and he entered them that day. That is the regular book that we keep those orders in (Defendant's Exhibit 13). I have looked at the original orders and compared them with Mr. Frank's entry in the book and they are correct. I have here the original orders from which Mr. Frank made his entries, with the exception of one, which I can't find. They were in Mr. Dorsey's possession for some time. These are the 11 original orders (Defendants Exhibit 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24) After Frank's entry in the orders in the house order book, he transcribed them to these requisition sheets. In other words, in each order that he receives, he enters the order in the book, then makes out one of these requisition sheets and then makes the acknowledgment of the order to the party ordering the goods. All of these eleven requisition sheets



(Defendant's exhibits 25,26,27,28,29,30,31,32,33,34,35) are in Mr. Frank's handwriting and are O.K. by me when I check it, which means that we ship the goods. All of the goods called for by these orders have been shipped out by me after being O.K'd with the exception of the order of R.E. Kindell and Company 7197 (Defendant's exhibit 24), which was cancelled by letter. None of these orders were at the pencil company factory when I left there Friday night, and they were there when I got back on Monday. The work of looking over the orders and entering them in the order book and making out the ~~requisition~~ requisition has nothing to do with making out the financial sheet. It is entirely independent of it. The financial sheet shows the factory's operation from Friday morning, through Thursday night. These orders go into the next weeks business. I saw Mr. Frank on Sunday after the murder. There was no scratch, mark or bruise on him. Mr. Frank is a man of extremely temperamental. If any thing went wrong about the factory, he would go all to pieces and get nervous. It was not unusual for Mr. Frank to get nervous. When a young child was run over by a street car, he came back as pale as death, and I had to give him a dose of ammonia. He was no good for the rest of the day. I know Jim Conley's character, for truth and veracity it is bad. I would not believe him on oath. The paper that those notes found by the body were written on can be found all over the plant. They get swept to the basement into the trash. I heard the telephone conversation between Mr. Frank and Mr. Ursanbach about the ball game. I heard Mr. Frank say "Yes Charles I will go if I can". Sitting in Mr. Frank's desk in the inner office you can see about half of the dial of clock # 3. You cannot see the steps leading down to the first floor. If the safe door is open in the center office you can't see anything at all. It would have to be a pretty tall man to see over it. It would be impossible for a girl of Monteen Stovers height to see over it. The safe door is always wide open while we are in the factory. I went through the safe Monday, Tuesday and Wednesday. I didn't



find any mesh bag or pocket book. I was <sup>with</sup> Mr. Frank constantly while he was at the factory on the Tuesday morning after the murder. He did not speak to the negro Conley that day. Monday we tried to open up the factory, but every body was so excited that we couldn't do any work. The girls were standing around, crying. We had to suspend. As I went out of the shipping room that morning, I saw Conley standing at the back of the room. I said "what are you doing here?" He says: "I am scared to go out, I would give a million dollars if I was a white man." It is very dark on the ground floor around the elevator. I have never known the doors to Mr. Frank's inner or outer office to be locked. Even if they were, you can see right through them, part of the door being glass. Anybody could look through them and see what is going on in the office. The door to the elevator can be easily lifted by anyone and anybody one can be pushed down the elevator shaft. The motor to the elevator is on the office floor, and the wheels are on the top floor. When you start up there is a noise. You can always hear the jerk when the rope is pulled, and when it stops there is a noise and when it hits the basement floor, there is a thud. The motor also makes a distinct humming noise. The motor box is not kept locked. I have gotten after Jim Conley many times about not registering. We have docked him for not doing it. I have noticed blood spots on the floors of the factory. Whenever one gets his fingers hurt, he has to come to the office to get it tied up. People have gotten hurt in the metal room and in coming to the office would walk by the ladies closet, through those doors. The spots that Barrett pointed out in the regular path where a man would come to the office if he were injured. There were four or five strands of hair that Barrett discovered. I saw them. Could not possibly tell what color it was. The metal room floor has not been washed since I have been there.

CROSS EXAMINATION. I knew on Monday that Mrs. White claimed she saw a negro there. Frank telephoned me three or four times on Monday to get the Pinkerton's. He was at home. I was at the factory. When



the detectives got to the factory, Frank was at the Station House. He was <sup>there</sup> nearly all morning. He phoned me first about twelve o'clock, and then again about twelve thirty. He wanted me to see if we could not injustice to all the employees try to sift this thing down, and he suggested getting the Pinkertons. He phoned again near one o'clock. Mr. Frank spoke about his nervousness. He didn't talk a great deal about it. He may have spoken to me once or twice about it. I think one time he explained to me how terrible the girl looked and the other time that they rushed him to the undertakers in a dark room and threw on the light. He said he was awfully shaken up. As to what Mr. Frank said when they telephoned him about the murder, he asked what was the matter, had there been a fire at the factory. Another reason he was nervous he said, he hadn't had any breakfast, he wanted a cup of coffee. We had been without a stenographer quite a while. The work had accumulated to some extent. As to what work there was in the factory for Mr. Frank to do Saturday except the financial sheet, he entered the orders, made requisitions. I do not know that Miss Hall entered all those orders. I know she took dictation, That is all I know about it. The first time I saw those orders entered on the order book, was on Monday or Tuesday. It takes about an hour or an hour and a quarter to enter those orders on the book. It is true that I testified before the coroner, that it wouldn't take over half an hour to enter the orders. It takes an hour and a half to do all of the work of transcribing them that you pointed out to me. Acknowledgments are usually made by the person who transcribes the orders and enters them on the requisition. If Mr. Frank didn't make acknowledgments, that would not make a difference of over five or ten minutes in time. I said it would take an hour and a half to do all of the work lying on the table, requisition and all, transcribe them and acknowledge them. As to what that work was, beginning with orders 7187 on the 26th, there are eleven orders, going down through 7197. None of that was done on Friday because the orders weren't there.



when I left Friday night. I left Friday night at half past six. I didn't go to the factory on Saturday morning. I have never times Mr. Frank entering those orders. I said I guessed it would take him thirty minutes to actually enter them. After entering them he must transcribe and acknowledge them. ~~They~~ initials "H.H." on these orders (Defendant's exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24). means Miss Hattie Hall, the stenographer. "H.G.S." on these requisitions (Defendant's exhibit 25, to 35 inclusive) are my initials, mean that I checked the order and O.K.'d it and its gone. Miss Hattie Hall wrote the letters acknowledging the orders. I know that because the latter has the letter "H.H." dictated by ". We haven't ~~transcribed~~ any regular way of acknowledging. Some orders are acknowledged before they are ever touched. There is no certain first step. It is not necessary that they should be entered on the book first. One step doesn't hinge on the other. If Hattie Hall had anything to do with writing these things, it was done Saturday morning. The orders must also be transcribed from the order to the requisition sheet. The average sheet was the only sheet that had not been worked on Friday that I found had been worked on when I got back there. It had not been touched on Friday, and I had not given any data for it when I left. ~~They~~ data I had to get up for it was the slat production the packing room production, the tips, I get that from this packing room report (Defendant's exhibit 4 A) The handwriting is that of Miss Eula May Flowers, the forelady. When I received that report, I had to accumulate all the data, penciled it, and ~~transferred~~ it to the pencil sheets here (Defendant's Exhibit 7) These three sheets are the only thing connected with the packing room for the week of April 24. I wrote the figures Wednesday night and Mr. Frank did it Thursday. Mr. Frank had to add two lines to the sheet. He could get those from Miss Flowers report just as well as I could. The figures on the bottom of the page are his. All the writing on this sheet is mine except the last two lines at the bottom, which are his (Defendant's Exhibit 7). On that sheet, yes, there are just eleven figures,



but you got three sheets to get them from, one line on all three sheets and the total, making six lines altogether. It is not easy to say how long that would take. It is merely looking at those things and putting them down, you have got to over it, and get the different classes of goods that we pack and take it and put it under the head of the specialty, that is the head of the classes of goods manufactured that week. You must have the slat record. I haven't got the slat record here. It certainly is different from this. It comes from the cedar mill. The item on the financial sheet (Defendant's Exhibit 3), that he got from the slat record is the item under "Material cost", - "Slats 2719 1/3 gross at 23¢". That is all he would have to get on the financial sheet with reference to slats. That wouldn't take anymore time than taking these daily reports and putting them on here. He also had to get the lead deliveries from the lead plant and the tip deliveries from the tip plant. Our numbers run on the sheet like this 10 X, 20 X, etc. Our two 10X pencils, for instance, manufactured for the Cadillac Motor Company, if they want a pencil with their name on it and ours not on it, we call it the 10X special, of 5 10 X Cadillac special. We have to go down through each number that has been sold and get the make of each style of pencil and they have to go in the right square, covering the right shape and the right number of gross. If he didn't he wouldn't balance with his packing reports and the whole sheet would be incorrect. These papers here and the tip plant and the slat record and the lead record and the packing are all the papers I know were not worked on Friday night and which I found at the factory when I got there Monday. Frank needs those four reports to make up his financial. Doing that work and entering those eleven orders is all that I know Frank had to do on April 26th. I didn't see them done. I say I found them done the next week. It was certainly done between Friday night and Monday morning. I didn't see the financial sheet on Monday. The slat record comes from slat mills and tip record from the tip plant. I compiled the data at our plant. If I had had more time to work on it eight-thirty, I think he could have finished a greater part of this work by ten-thirty, if he had worked continuously.



It is true that he could have done all of the work in two hours and a half. I didn't hear him say that he could have done it in an hour and a half. The work that I have just been over and the entries in the book and the letters that he dictated to the stenographer is the sum total of all the work that I have seen done on the books in the office on April 26th. Mr. Frank and I were not paid off on the 25th, or 26th. In addition to the work I have gone over, Mr. Frank had to balance the cash. This is his writing in the cash book. (Defendant's exhibit 40) and all those figures were made that day. It doesn't mean that 15¢ worth of kerosene was purchased that day, because the entry was not dated that day, it means that the figures were put on there that day, for the reason that the week ~~has~~ is not closed. until that is added to the cash. The date this kerosene was purchased, April 21st, is found in the little receipt book (Defendant's exhibit 10). It was purchased on the 21st, as shown in the receipt book, but was not entered in the cash book until the 26th. We don't put our items in the cash book the minute they are purchased. We put the total of each item under sub-heads. If we pay drayage \$2.00 on Tuesday, \$2.00 on Thursday and \$2.00 on Saturday, there would not be three entries in the cash book, but they would be under one head "Drayage \$ 6.00", and every thing else the same way. When we advance a man money it is put down on a slip and entered in an envelope, called "Loan". We don't take a receipt for it. I can show that Frank gave \$ 2.00 to Arthur White and it was deducted. I made the entry in the time book the next week and deducted it the following Saturday. We don't enter it on the cash book. This average sheet (Defendant's exhibit 5) is all in Mr. Frank's handwriting. It begins from January 10, 1911. As a rule Mr. Frank put on the financial sheet the average to show General Manager how the average of our orders have run. I don't see it on the financial for that week. It is no rule. I said he usually does it. It doesn't affect the financial sheet however, if it is not on there. It doesn't keep the financial sheet from being completed



I say he did work on the average sheet on Saturday because those orders came in that day. I know they could not have been entered the Thursday before and that they were entered in fact Saturday because I had gone over the orders and find that they average the same thing that he has got on the average sheet. None of the orders came in the factory before Saturday morning, because they were not there Friday night when I left. I am sure of that. I have never known Mr. Frank to leave there on a Saturday with the financial sheet not ready. He would not go to a ball game unless he had his work up. I heard him say on Friday afternoon that he was going to try to go to the ball game. We left there Friday night together. He didn't go back that night. I said at the Coroners inquest that if the data had been gotten up for him it would take him an hour and a half to two hours. I don't remember saying that it would take only two hours and a half for both the data and the financial sheet. I meant two hours and a half without the data. I say it would have taken from two and a half hours to three hours to have gotten it all up. I am not an expert accountant, and I base my opinion on the reason that I have gone back at the same time and have sat down with him while he was working and seen him when he was finished. He couldn't hurry over the work, and get it correct. I think he could get it up quicker than I could. I am positive that I said at the Coroners inquest that he could get it up a half an hour quicker than I. I may have said so, that was only an estimate. I have never made up a financial sheet. My estimate of the time referred to Frank doing it. I couldn't tell how long it would take to balance that cash. I said at the Coroners inquest between an hour and an hour and a half. It all depends on whether you balance or not. We keep our little change in nickles, dimes, quarters and halves, and you have to take the money out of the sack, stack it up and count it. As to how I remember where I was last Thanksgiving Day, because I was going to Athens to see the Georgia Foot Ball Game. I remember it snowed and I didn't go. I told Conley and the office boys to come to be at the factory. The second reason I remember is because of the



B'nai B'rith affair. Which Mr. Frank went to and I helped him carry his packages to the car. As to my remembering every Saturday that I have been there for six months previous, I have never lost a day from the factory since I have been there with the exception of my vacation. I was with Mr. Frank until half past twelve on Thanksgiving Day, when I left him at the corner of Mitchell and Alabama, where he caught a Washington Street car. I don't know what he did that afternoon. I do know that I remained at the factory every Saturday afternoon since I have been there because I have not lost a day. I paid off Friday, April 25th. I remember Helen Ferguson coming to the window and I paid her. I can tell you the names of many more that I paid off that afternoon. (Witness gives names of eight or ten more he claims to have paid off). Mr. Frank and Mr. Holloway were there at the time. It is very dark underneath the chute near the Clarke Woodenware Company place, we kept shellac in front of the door there. It is the door to the left. We did not have boxes piled around there after this murder occurred. If a body had been shot down there, it would have been 20 or 25 feet from that door. We go down there every day or so to get shellac, you don't have to pass by the opening under this chute. I never noticed any indication that anybody had walked around the chute. I saw the place in the metal department <sup>on the second floor</sup> where they said there was blood. It looked like <sup>It looked like a small spot covered with white</sup> blood from a finger being out. It looked like kaskoline had been splashed all over the metal department. There was nothing different about that particular spot from any others, except that it was red. It look like it had been swept over. As to those steps by the chute I don't know what they were nailed up immediately after the murder. Three days after I came up those steps. I don't remember whether it was before or after the insurance people made us clean up. I know I was at the factory on Saturdays and Holidays after twelve o'clock. I changed the clock at times if I find that it is not right. We don't run it five minutes ahead of time. Every time I look at it it is on time. We do not have to regulate it often. We regulate



it by the whistle in back of us every day at twelve o'clock. We don't set it every time we hear the whistle though. We have had had unreliable people at the factory. We give them a trial. I knew that Conley was unreliable a good while ago. Found it out the first time I ever spoke to him. When we found that we couldn't trust him we took him off of the elevator. Mr. Darley and I did it. We didn't take it up with Frank. Girls in the factory have told me about his worthlessness. Miss Carson and others have told me he tried to borrow money and slip off. She complained to me several times about it, that he was trifling and didn't clean up her department, that he didn't move the pencils, that he sprinkled on top of the pencils, that he tried to borrow money. The negroes would come to me and told me that he wouldn't pay his debts and slip off. I don't know whether I ever took these complaints to Mr. Frank or not. I was not under Mr. Frank. I had authority to fire him, but I didn't do it, because in a factory like that it is hard to get a negro who knows something about it. He was in the ching-gang two or three times, once he worked on Forsyth St. In front of the building, and then women would come up to me and try to get money to get him out, two or three times. That has happened since he has been working at the factory. I know that he has been in the ching-gang once, when I saw him working in front of the factory. The times was when women came up there and tried to get money to get him out. I have seen these books scattered all over the factory, like whole books and parts of books. I have seen them since this murder. Both before and after. I have seen sheets sometimes, I knew that Jim could write. I have given him and the other negroes tablets like this (State's Exhibit H). They are kept every where in the factory. They would go down in the basement and write. I did not talk to Frank on Monday or Tuesday about Jim Conley's peculiar conduct after the murder. I talked to Darley



REDIRECT EXAMINATION. When I stated that it took two and a half hours to three hours to make up the financial sheet, I meant without any interruptions. We have quite a few interruptions on Saturdays, salesmen drop in, draymen and people come in, for their envelopes after we have paid off. When I said to Mr. Dorsey that he might do the work from 8.30 to 10.30, I had reference purely to the financial sheet. Making the entries in the house order book, requisitions and dictating the correspondence, I did not include. The correspondence and the entries in the requisition book is usually done in the morning. We usually go to Montag Bros. about eight-thirty, get the mail, come right back, acknowledge the orders and answer the correspondence. I have never known Mr. Frank to take up the financial sheet before the afternoon. After he finished his financial, Mr. Frank would usually make two copies of the result of it, and send one of them to his uncle, who is a stock holder and the other to Mr. Pappenheimer, who is the president. My estimate of the time was two and a half hours for the financial sheet, and one and a half hours for the other work. Mr. Dorsey's picture (State's Exhibit A). shows nothing in the Clarke Wooden Ware Company except the front of it. It has left out every scuttle hole, and toilet and every thing there. It fails to show the door that enters into the partition to the basement. Hasn't got either one of these two front doors. Mr. Frank's wife frequently did some shorthand work for him on Saturday afternoons. I have seen her there often when we were behind in our work. The skylight did not hide the red spots at all. You couldn't tell whether it was on top or on bottom of the red. It is nothing unusual for the white stuff to be spilled all over the metal room. I did not know that Conley was denying that he could write in the station house, for quite a while. The Pinkerton men came over to the factory to find out if he could. I looked all over the place and found a card where he had signed a sig-



nature for a jeweler for a watch. The detectives found the information by coming to the factory. The negroes allways ate in the basement. Conley was familiar with the basement. Mr. Dorsey subpoenaed me to his office, he subpoenaed some of the others. I think he phoned to me. Empty sacks are usually moved a few hours after they are taken off the cotton.

RE CROSS EXAMINATION. I had no objection to coming to your (Mr. Dorsey) office. I offered to assist you in any way I could. No, it was not Mr. Frank's custom to make an engagement Friday for Saturday evening and then go off and leave the financial sheet untouched. The pencil factory is three or four blocks from Montag's. Some of them are short blocks. Guess it takes three to five minutes to go over there. I have never times myself. The first time on Monday I observed the peculiar behavior of Conley was between half past seven or eight o'clock, he was sitting in dressing room on a box. It was after that I went with detective Starnes to try to locate Gantt and arrest him. Frank never went to baseball games or matinees on Saturday. The only pictures that are hanging on the walls of Mr. Frank's office, is a calendar that Truitt and Sons give away. No, I don't know whether the detectives found out else where that Conley could write. I gave them the information when they came to the factory. It was on Monday morning that I saw the maskline add the red spots. If the blinds had been closed it would have been some darker, not a big difference.

RE DIRECT EXAMINATION. I have never seen Mr. Frank talk to Mary Phagan.



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. JOEL C. HUNTER. Sworn for the defendant.

I am a public accountant, engaged in the profession ten or fifteen years. I have examined the financial sheet said to be made by Leo M. Frank. I examined a copy and then checked it against the original. In order to find out how long it would take a person to make out these reports, I went through the calculations. I did not make out the sheets. I verified the extensions and calculations on the financial sheet (Defendant's exhibit 2). I found them correct within a decimal. There is one item a decimal is incorrect. That was immaterial, merely an error in the calculation. In order to find out how long it would take that report to be made up, I made an examination, line by line, item for item. I figured an approximate time it would take to make the various entries if they had all of the data immediately available, and how long if it was not immediately available. I put these down in two separate columns and then struck an average. In my opinion the quickest possible time to make out this report, balance the cash, make out the comparative statements and the copies of which they furnished me, I figured 150 minutes. I don't think that could have been done in that time except by someone having experience in it and knowing how to set up these facts and figures. ~~In my opinion, it would take about three hours.~~ This would not allow for checking the figures. In my opinion, it would take from three to three and a half hours to make out this report, balance the cash, make out the two copies and the comparison of 1912 and 1913. (Witness then details time it would take in his opinion for each particular item that has been calculated and entered and how he figured it.) In my opinion it would take a pretty swift man three and a half hours.

CROSS EXAMINATION. A man's familiarity with a special class of work will aid materially in making it up. If he had had to get up the information which was furnished me it would take him a good deal longer than it did me, for the information was already furnished me. I have allowed for his experience and familiarity with the business, in the way of saving time, in making my

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estimate. I have tried to make my figures sufficiently conservative to make allowance for a man in charge of the work. I have tried to show it done in the quickest possible time. I think it will be wonderful to make it in less ~~time~~ than that. I think a man who could make it out and verify it as he went along, it would take the whole afternoon.

C. E. POLLARD. Sworn for the defendant.

I am an expert accountant. I was called into this matter for the purpose of seeing the length of time it would take to gather these figures and get the result on the financial sheet and other papers that were furnished me. I studied each sheet and when I was sure of what the result would be I would lay that sheet down and make a copy of it. I would take time myself for each operation. There was a discrepancy of one and one half gross on the factory records in the figures, out of 2765 1/2 gross, (Def's ex. 2.) It was an immaterial error. The minimum time that I could do that work in I found to be three hours and 11 minutes, that was as quick as I could do it. If I had been interrupted in my work of course it would have taken me longer. I have been an expert accountant for 15 or 16 years. The mistake that I found occurred on the Saturday ~~before~~ of the week before. It was not Frank's mistake, but somebody else compiled the figures for that week. There is another trifling mistake under the head of "value of products, pencils packed" that did not figure the same as

mine. Those are the only two mistakes I found on the whole financial sheet, - a mistake of 50 ¢ and a gross and a half of pencils  
CROSS EXAMINATION. In making my experiment of how long it would take, I was furnished with all my data. I didn't have to get up any of the data. I am considered rapid in my work. The mistake of one and a half gross occurred on April 18th and 19th. I don't know whose mistake it was. Anybody can work on his books with a great deal more ease than an outsider can. The mistake I mentioned did not make the other calculations wrong, the other calculations were all right. The mistake grew out of just one multiplication. In multiplying 791 gross at 50.1 cents, Frank made the



total \$396.75, instead of \$396.29.

RE-DIRECT EXAMINATION. In making out this sheet Mr. Frank had to make about 40 multiplications, 160 additions. The mistake is not a serious one.

HERBERT G. SCHIFF, Recalled for cross examination.

The books show that \$4 was loaned to Arthur White. I made the entry in the book. The \$2. was for what Mr. Frank loaned him that day and \$2.00 loaned him the middle of next week. As to where the entry is that Mr. Frank lent Arthur White \$2. these slips are not kept after we take it off. After the payroll is made we destroy those. The books show that this \$2. was added to the other \$2. There was approximately \$1100. paid off on Friday on the pay roll. There was about 5 or 6 envelopes, left over, not called for. The numbers go on different places on the envelopes. The clocks we have now are the same we had when Gantt was there. Whenever there was any trouble we phoned for a man to look after the clock.

RE-DIRECT EXAMINATION. Whenever accidents would happen in the factory we would have the person come to the office, to the outer office, where we would bandage their hands with the few medical supplies we keep there. Then we make a report to the insurance company as to the cause of the accident and any witnesses. We always found the clocks kept good time.

MISS HATTIE HALL, Sworn for the Defendant.

I am a stenographer for the National Pencil Company. I do most of the work in the office of Montag Bros. Whenever it is necessary I go down to the National Pencil factory and do work there. I saw Mr. Frank about ten o'clock of the morning of April 26th at Montag Bros. when he came over there that morning. He came in Mr. Sig Montag's office, where I was taking dictation and I told him that I didn't know whether I would be able to go over there that morning or not, as Mr. Montag was giving me letters and Mr. Frank said: "Well, come if you possibly can". He had previously asked me over the telephone to come to the factory.



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That was about half an hour before he came over to Montag Bros. I had called him up to get a duplicate bill of lading and in the course of the conversation, I asked him if he would need me over there that morning, on account of his having an inexperienced stenographer over there, I had been going over there all during the month of April on that account. He said "Please come over I have some work for you to do". It was 20 or 30 minutes after that that he came over to Montags. When he came in I told him that I was afraid I couldn't go over on account of the work I had to do at Montags, but Mr. Montag finished his dictation in a few minutes, and I then told Mr. Frank that I would have time to come over there and that I would be over later. I started over to the factory between 10:30 and 11. I went alone. It takes about five minutes to get over there and I reached there before eleven o'clock. I don't know whether Mr. Frank was there when I got there ~~xxxxx~~. I waited in the outer office a few minutes before I started to work. ~~Ixxkxxxxxx~~ I went in the inner office to get the orders to acknowledge for Mr. Frank. I acknowledged them in the outer office. I do the typewriting in the outer office. These are the 11 orders (defendant's exhibits 11 to 24 inclusive) that Mr. Frank handed me and I acknowledged. You notice my initials on them "H.H." I put on there "Acknowledged, April 26, by H.H." Mr. Frank got the orders when he went over to Montag Bros. and brought them back with him. The acknowledgments are the first step, in that case. Several people came in while we were working, two men, one whose son worked there came in and spoke to Mr. Frank about the boy's being in some trouble in the police court. They went into the inner office to talk to him and he came out to the outer office with them. Miss Corintha Hall and Mrs. White also came in there in Mr. Frank's office and I talked with him. During this time Mr. Frank was not doing any work on the financial sheet. I find in this book (defendant's exhibit 12) all of the eleven orders which I acknowledged that morning, one order seems to be missing, I just find a requisition sheet for that. I did not enter those orders on the book. It looks like Mr. Frank's handwriting. I did not write any of these.



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. requisition sheets. The entering of the requisition was done after I acknowledged the orders, because when they enter them the house order number is put on them when they are put in the book and there was no house orders on them when I acknowledged them. Therefore, it had to be done afterwards. The requisition sheets are not made out until they are entered on the house order book and then acknowledged and then the requisition sheets are made. These eight letters (defendant's exhibit 8) were dictated to me Saturday morning by Mr. Frank and I typewrote them there in the outer office. After finishing them I took them in the inner office to him. I did not file these carbon copies, but left them with Mr. Frank. Throughout the time that I was there that morning with Mr. Frank he did no work on the financial sheet. As I was ready to leave the noon whistlex was blowing. At that time I was in the outer office. I went downstairs, and remembered that I had left my umbrella, went back, got my umbrella and started out. When I pushed the clock it was 2 minutes past 12. I did not see any little girl come along about that time.

CROSS EXAMINATION. The Stenographer the pencil company had was inexperienced and did only about one third of the work and that's the reason I had to do the other. I was getting \$12.50 a week on April 26. I am now getting \$15. When I was first employed they said they would give me a raise on August 1st. I insisted that I be raised on July 1st, but they wouldn't give it until August 1st. It was I that called Mr. Frank over the telephone. I did not insist on going over there. He insisted on my coming. The acknowledgments consisted of stamping the orders with a number, putting the dates down there and acknowledging them by post cards sent to the people. Mr. Frank did not leave Montags with me. He left before I did. He didn't know how long it was going to take me to write those letters. Mr. Montag hadn't finished dictating to me when I talked to him, so he did not wait. While I was there in the office, two men and three women came in. The ladies came after the office boy had left and he said he left about 11:30. The men were in the inner office with him about five or ten minutes. I started to work type-



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.writing about two minutes after he finished dictating the letters. I don't know how long it took me to write them, I am not a very rapid typist. During the time I was writing, Mr. Frank was in the inside office, except when he came out to talk to Mrs. White and came to the door with those men. After typing them, I took them into him to sign. He folded the letters and put them in the envelopes himself. He did not ask me to stay until he looked over the letters. As to what else there was to be done that day, from the looks of the papers on his desk he had a good many to dispose of. He went through them as he was dictating to me, and there were a good many that he had to get rid of. I was over at the factory the previous Saturday morning. He was not working on the financial sheet. I got up for him the number of gross deliveries and the price and made an average charge of how much each gross would cost. That was a part of the data necessary for the financial sheet. When I testified before the Coroner, I thought that was the financial sheet itself, because I had never seen a financial sheet before. I know now that it was the average sheet. I transferred some of those things to the average sheet. I never did see the financial sheet. Mr. Montag gets it. I did not help Mr. Frank on the financial sheet the previous Saturday. It was the average sheet I helped him on. I discovered my error as to this being the average sheet and not the financial sheet soon after the coroner's inquest. I knew that Mr. Frank was not working on the financial sheet on the Saturday morning previous to the 26th. He was busy with something else altogether. He simply gave me that data to work on. I did not identify the financial sheet at the Coroner's inquest, I didn't even know it. I was not in Mr. Frank's inner office on April 26, excepting when I got the orders from him. When I told the Coroner's jury, if I did tell them that, I didn't remember being in his inner office at all, I have never been in a court room before I was so rattled that I wasn't exactly myself. Mr. Frank told me that morning he wished Mr. Schiff would come over and finish the



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data, that he couldn't fix the financial sheet until Mr. Schiff got up the data, and he had Alonzo Mann telephone him to come over over there to do it, but Mr. Schiff didn't come while I was there. I said at the coroner's inquest that I didn't see Mr. Frank working on any of these books that day, that I was in the outer office and he was in the inner office. There wasn't any such looking sheet as the financial on his desk, When I was in there he was at work on a pile of letters and things like that.

RE-DIRECT EXAMINATION. When I was first employed at the factory Mr. Nix said to me, "I will give \$12.50 a week, when the busy season opens up, about the first of August, I will raise it to \$15. About the middle of June, I asked him to raise it on the first of July, but he said, "We will wait until August 1st". At the time I testified at the coroner's inquest, I had never seen any of the financial sheets. I did not write a figure on that financial sheet. At the inquest I thought the average sheet was the financial sheet. I told Mr. Frank that I couldn't stay longer than 12 o'clock, and he asked me to stay all the afternoon and help him, that he was busy. I also heard him ask Harry Gottheimer to come over in the afternoon.

MISS CORINTHIA HALL, Sworn for the defendant.

I work in the finishing-up department of the pencil factory. I am a forelady. I was at the factory on April 26, I got there about 25 minutes to twelve. I had come to town on the East Lake car and got to town about 11:30 and it took me about five minutes to reach the factory. Mrs. Emma Clarke Freeman was with me. She had spent the night with me. We went there after her coat and to telephone, to call up Mrs. Freeman's husband. We went up to the fourth floor to get the coat and then came down and went in Mr. Frank's office. It was about 15 minutes to 12 when we left the factory. Mr. Frank was writing when we came in his office. His stenographer was in the outer office. Mrs. Freeman said she would like to use the telephone. She used the telephone and then we went out. During the ten minutes we were there he was talking



to two men between the outer office and the clock. He was dis-  
missing those two men when we came. Mrs. White and the stenograph-  
er were in the office then also. As we were going up the steps, Mr.  
Frank called to Mrs. Freeman to tell Arthur White to come down that  
his wife wanted to see him. On the fourth floor we saw May Barrett,  
Arthur White and Harry Denham. When we left the factory, the foll-  
owing people were still there: Arthur White, Mrs. White, May  
Barrett, her daughter, Harry Denham, the stenographer and Mr. Frank.

CROSS EXAMINATION. We met Mr. Holloway between Broad and Forsyth  
St. as he came out of the factory and as we went in. We met Lemmie  
Quinn afterwards at the Greek Cafe, don't know what time it was.  
When we came out, we went to corner of Alabama and Forsyth to use  
a telephone. It took us about about five minutes to go there and  
come back to Greek Cafe. We got cup of coffee and sandwich and  
were getting the change when Quinn came in.

MRS. EMMA CLARKE FREEMAN, Sworn for the defendant.

I married on April 25th. I worked at the pencil factory  
before that, at the time I was married. I was paid off on  
April 25, by Mr. Schiff. On the 26th, I reached the factory with  
Miss Hall about 25 minutes to 12. I saw Mr. Frank at his office.  
He was talking to two men when we went in. Mrs. White and Mr.  
Frank's stenographer were also in the office. Mr. Frank gave us  
permission to go up on the fourth floor to get my coat. While we  
were going up the steps Mr. Frank called to me to tell Mr. White  
that Mrs. White wanted him. We went on up, I got my coat and came  
down, and asked permission of Mr. Frank to use the telephone in  
his office. I used the telephone. I spoke to Mrs. White a few  
minutes and then we left, which was about a quarter to twelve.  
I remember looking at the clock. When we left there was in the  
building, May Barrett, the stenographer, May Barrett's daughter,  
Arthur White, his wife, Harry Denham and Mr. Frank. We met Lemmie  
Quinn afterwards in a cafe. He said he had just been up to see  
Mr. Frank. (Cross Examination waived.)

MISS BULA MAY FLOWERS, Sworn for the defendant.

I did not work at the factory on Saturday, April 26th. I  
worked there Friday, the 25th in the packing department. Mr.  
Schiff got from the data for the financial sheet on Friday night  
at ten minutes to 11. The production for the entire week.



from my department. It covers all the different classes of work where the goods were finished.

CROSS EXAMINATION. I always turn those reports in Friday night or early Saturday morning. They don't touch Friday's work.

MISS MAGNOLIA KENNEDY, Sworn for the defendant.

I have been working for the pencil factory for about four years, in the metal department. I drew my pay on Friday, April 25, from Mr. Schiff at the pay window. Helen Ferguson was there when I went up there. I was behind her and had my hand on her shoulder. Mr. Frank was not there, Mr. Schiff gave Helen Ferguson her pay envelope. Helen Ferguson did not ask Mr. Schiff for Mary Phagan's money. I came out right behind Helen Ferguson. We waited for Grace Hicks and then went down stairs. Helen didn't say anything about Mr. Frank at all. We went downstairs about five minutes to six. We saw Helen Ferguson start up Forsyth Street.

CROSS EXAMINATION. On Monday, April 28, Mr. Barrett called my attention to the hair which he found on the machine. It looked like Mary's hair. My machine was right next to Mary's. There is a good deal of water over there by Mr. Quinn's room. Mary's hair was a light brown, kind of sandy color. You could plainly see the dark spots and white spot over it ten or twelve feet away. Helen and Mary were the best of friends and were neighbors. Helen made mention that Mary was not there when we were paid off. I have never noticed any spots around the metal room. That's the first time I had ever seen anything like that.

RE-DIRECT EXAMINATION. I have never looked for spots before. It's a dirty floor, full of oil dirt. I don't know whose hair that was. Helen did not ask Mr. Schiff for Mary's money. She did not have any business going to Mr. Frank when Mr. Schiff was there paying off. She did not go in and ask Mr. Frank for Mary's money. I left with her. I went one way and she went another.

RE-CROSS EXAMINATION. Mr. Frank paid off sometimes. If there is any trouble about the amount of our money, we would go to an auditor that was in the office. Mr. Frank was not paying off that day.



WADE CAMPBELL, Sworn for the defendant.

I have been working for the pencil factory for about a year and a half. I had a conversation with my sister, Mrs. Arthur White, on Monday April 28th. She told me that she had seen a negro sitting at the elevator shaft when she went in the factory at twelve o'clock on Saturday and that as she came out at 12:30, she heard low voices, but couldn't see anybody. On April 26, I got to the factory about 9:30. Mr. Frank was in his outer office. He was laughing and joking with people there, and joked with me. He thought I wanted to borrow some money. I stayed about five or ten minutes and left the factory. That was about 9:40. I have never seen Mr. Frank talk to Mary Phagan. On Tuesday after the murder I went up on the fourth floor with Mr. Frank. I did not see the negro Conley talk to him at all that time.

CROSS EXAMINATION. My sister said she saw the negro when she went in the factory. When she heard the voices coming out, she was coming down the steps from the second floor. I saw the spots where they claim was blood, close to the girls dressing room <sup>on second floor</sup>, I couldn't say whether it was blood or not. I deny that I ever said that my sister said she saw the negro on the box when she came out of the factory. He was sitting on a box between the elevator shaft and the staircase. That looks like my signature. I don't know whether it is or not. Yes, I corrected certain statements in that paper.

RE-DIRECT EXAMINATION. I went to Mr. Dorsey's office because he subpoenaed me. I thought I had to obey it. Mr. Starnes and Mr. Campbell and the stenographer were there. All of the asked me questions. I signed a statement about twenty-one pages long. I have seen Jim Conley reading newspapers up on the fourth floor, twice since the murder. It is not unusual to see spots all over the metal room floor.

RE-CROSS EXAMINATION. Conley was sitting by the elevator when he was reading those papers, during working hours. The other time he was reading down at the rear end of the building. It was an



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extra, but I don't know what paper it was. I knew that he could write because I had seen him do it several times, with pen and ink. I don't know whether he was making up his reports of boxes, but I have seen him writing. Yes, I have seen spots along the route from the ladies closet to the elevator ever since I have been there. They have red varnish and red paint and such things like that that look like blood. I am sure there are spots all around in the metal room, but I won't say they look like the spot near the ladies dressing room.



LEMMIE QUINN, Sworn for the Defendant.

I am foreman of the metal department. Barrett pointed out to me where he ~~found~~ claimed to have found blood spots on the metal room floor. He asked me whether I thought that he (Barrett) would get the reward if Frank were convicted. He told me that several people told him that he had a good chance to get the reward. He said a fellow told him that he would get \$2700 one time and \$4500 the other time. He mentioned that reward to me on several occasions. The floor of the metal room is very dirty. You could not tell at the alleged blood spots whether they were varnish or oil. We have blood spots quite frequently when people get their hands out. I remember a man by the name of Gilbert was hurt in that room. He was carried towards the main office by the ladies dressing room and sent to the hospital. He bled freely. That was about a year ago. About eight months ago a boy cut his hand pretty badly and was carried by the ladies dressing room to the main office, right over the place where Barrett found the blood spots. His hand was bleeding. About a hundred women work in the factory. Kaskoline is scattered all over the floor of the metal room. That floor has never been scrubbed since I have been to the factory. I could not tell what color hair it was Barrett found. There were only a half dozen strands in it. Think Chief Lanford took it. There is a place in the room where the girls dress their hair by a little gas jet which they use for heating a curling iron. It was about ten feet from the lathe where Barrett claims to have found the hair. If a breeze was blowing from this window from the west it would blow to where the girls were fixing their hair. The last time I saw Mary Phagan before the murder was Monday. She left about two o'clock.



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were out of material and she was laid off for the rest of the week. I have never seen Mr. Frank speak to her. I went to the factory on April 26th, to see Mr. Schiff. He was not there. I often go to the factory on Saturdays and holidays. The street doors were open when I got there. I did not see Mary Phagan, nor Jim Conley, nor Monteen Stover. The doors to Mr. Frank's inner and outer office were open. The time I reached Mr. Frank's office was about 12:20. I saw Mr. Frank on Sunday at Bloomfield's undertaking establishment in the afternoon. He had on a black suit. On Saturday he had on a brown suit. There was no blood spots under the machine where Barrett claims to have found the hair. On Monday Mr. Frank had on a brown suit. There was no blood at the spot where Conley claims the body of the girl was found. It was perfectly dry there, there was no water on the floor.

CROSS EXAMINATION.

I noticed the blood spots at the ladies dressing room on Monday. I did not tell Mr. Payne and Mr. Starnes that I was not in the factory on April 26th. I told nobody that. Mr. Frank is not the first person to whom I told it. He did not tell me to keep quiet about it until he saw his lawyer. I did not tell the officers about it. Mr. Frank said he remembered my being at the factory, but did not remember the time. At the coroner's inquest I said it was pretty close to 12 o'clock when I got to Wolfsheimer's. I don't think it could have been as early as a quarter to twelve when I got to the factory. As to why I did not tell the officers, they could have gotten it if they had asked me. I never mentioned it to Barrett either. I told Chief Lanford on the following Monday that I was at the factory. I told it to Frank on Tuesday. He said he would mention it to his lawyers. I told Frank I didn't like to be brought into it, but if it would help him in any way I would do it. As to whether or not was up to Mr. Frank. He afterwards told me that his lawyers advised him to

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mention it at the coroner's inquest. That was Tueaday afternoon. I told you in the statement I gave you that I could not swear positively as to the time I was at the factory. I said I got to the pool room between 12:20 and 12:30. I had been up in the factory before I met Mrs. Freeman and Miss Hall at the Busy Bee. I was in the office and saw Mr. Frank between 12:20 and 12:25. At the time I made the statement to you that I was there between 12:20 and 12:25 I had reckoned the time down as I have now. The bak door at the stairway going up from the office floor to the top floor is fastened with a bar. It is not closed except on pay day. It is true that a man ~~at~~ the office floor could easily lift the bar and walk up, but a man could not come down to the office floor from above at all. Anybody could fix that bar in its place in half a minute. I told you in the detective's office that I reckoned the time of my being in the factory from the time I left home and the destination I went to, and I said I could not remember ~~my~~ <sup>the</sup> stop at Wolfsheimer's which took ten or fifteen minutes, and that is why I reckoned it so positively. I left home I know at about a quarter to twelve. I looked at my watch. It takes twelve or fifteen minutes to walk to the factory. I got to Wolfsheimer's pretty close to 12 o'clock. I was there ten or fifteen minutes.

RE-DIRECT EXAMINATION.

At the time the detectives and Mr. Dorsey talked to me about the murder, I overlooked the fact that I had been to Wolfsheimer's. My wife called my attention to it when I got home. I mentioned this matter to my father and my wife before I ever mentioned it to Mr. Frank. Mr. Frank did not tell me not to mention it to anybody. If a detective had asked me I would have told him what I knew about it. At the Coroner's inquest I said it could



have been as early as twenty minutes after 12 that I got to the factory, because I had reckoned my time down from leaving home and the number of stops, and I said it must have been between 12:20 and 12:25.

HARRY DENHAM, Sworn for the Defendant.

I work on the fourth floor of the pencil factory. I was paid off Friday, April 25, I came back Saturday to do some work. Mr. Darley asked me to come back. I had to work on the machinery when it was not running. That was the only time I could do it. I got there about 7:30. Mr. Holloway was there when I got there. Between 12 and 1 o'clock I was working on the varnish machine. We were hammering. We worked until ten minutes after 3. We began to take an old partition out and put in a new one about 12 o'clock. It took a good deal of hammering. We were making a racket up there. May Barrett was the first person to come upstairs that day. She came about quarter past eleven. Stayed about three quarters of an hour. It was after 12 when she left. Mrs. Freeman and Miss Hall were the next to come upstairs and stayed about 15 minutes. They got a coat and went down. Mrs. White came upstairs about 12:30 to see her husband. She had a good long talk with him. She was still upstairs when Mr. Frank came up. He told Mr. and Mrs. White that he was going to dinner and would like to close the doors. He stayed up there just long enough to tell us that and then went downstairs. Mrs. White went right down behind Mr. Frank. I never heard the elevator run that day. I was up on the fourth floor all day. I can see the wheels turning on that floor. There were no noises in the factory that day, excepting street noises. When the elevator stops, it makes no noise. It shakes the floor a little when it stops. You can't hear anything except shaking the building when it starts. You can hear the elevator better when the machinery is not running. If the wheels had been running that day I could have seen them from where I was. When



I left at ten minutes after three, I saw Mr. Frank. Mr. White and I came down together. Before we went out, Mr. Frank came upstairs about three o'clock and asked was we getting out, and we told him we were getting ready to go right now. We were washing right then. When we came out we saw Mr. Frank at his desk in his office writing. Mr. White borrowed \$2. from him. He did not look nervous or unusual. You can look down from the landing on the third floor and see whether anything is being put in or taken out of the elevator on the office floor. White and I on the fourth floor could have gone anywhere in the building that day. It was open to us.

CROSS EXAMINATION.

We were working about 40 feet from the elevator. There were crocus sacks upon the floor where we were working. The first time Mr. Frank came upstairs was about ten minutes to one. At the coroner's inquest I said I wasn't certain of the time. The second time he came up was about three o'clock. We had finished our work and were washing up and getting ready to go. I am not certain of the time he came up the first time. I think it was ten minutes to one. That's about the time Mrs. White left. He didn't say he was going right then. He said he wanted to go out. The wind was blowing strong that day and slapping the blinds backwards and forwards. There were no other noises inside the building. We stayed up on the fourth floor, all day, except one time when we went down about a quarter past eleven to have Mr. Holloway put some pieces on the band saw. It was a mistake when I told at the Coroner's inquest that I had not left the fourth floor at all that day. A person could have gone in the building and gone out and we not have known it. We were knocking and hammering all the time midways of the building. It might have been a good deal of noise on the office floor, and we would not have known it. I said at the Coroner's inquest, that Mr. Frank had a habit of rubb-



ing his hands together. We left Mr. Frank in the factory when we left there. *I saw some spots Monday they said was blood*  
 MINOLA McKNIGHT (c) Sworn for the defendant.

I work for Mrs. Selig. I cook for her. Mr. and Mrs. Frank live with Mr. and Mrs. Selig. His wife is Mrs. Selig's daughter. I cooked breakfast for the family on April 26th. Mr. Frank finished ~~his~~ breakfast a little after seven o'clock. Mr. Frank came to dinner about 20 minutes after one that day. That was not the dinner hour, but Mrs. Frank and Mrs. Selig were going off to the two o'clock car. They were already eating when Mr. Frank came in. My husband, Albert McKnight, wasn't in the kitchen that day between one and two o'clock at all. Standing in the kitchen door you cannot see the mirror in the dining room. If you move up to the northend <sup>of the kitchen</sup> where you can see the ~~kitchen table~~ mirror, you can't see the dining room table. My husband wasn't there all that day. Mr. Frank left that day <sup>time</sup> ~~sometime~~ after after two o'clock. I next saw him at half past six at supper. I left about eight o'clock. Mr. Frank was still at home when I left. He took supper with the rest of the family. After this happened the detectives came out and arrested me and took me to Mr. Dorsey's office, where Mr. Dorsey, my husband and another man were there. I was working at the Selig's when they come and got me. They tried to get me to say that Mr. Frank would not allow his wife to sleep that night and that he told her to get up and get his gun and let him kill himself, and that he made her get out of bed. They had my husband there to bulldoze me, claiming that I had told him that. I had never told him anything of the kind. I told them right there in Mr. Dorsey's office that it was a lie. Then they carried me down to the stationhouse in the patrol wagon. They came to me for another statement about half past eleven or twelve o'clock that night



and made me sign something before they turned me loose, but it wasn't true. I signed it to get out of jail, because they said they would not let me out. It was all written out for me before they made me sign it.

CROSS EXAMINATION.

I signed that statement (State's Exhibit "J"), but I didn't tell you some of the things you got in there. I didn't say he left home about three o'clock. I said somewhere about two. I did not say he was not there at one o'clock. Mr. Graves and Mr. Pickett, of Beck & Gregg Hardware Co., came down to see me. A detective took me to your (Mr. Dorsey's) office. My husband was there and told me that I had told him certain things. Yes, I denied it. Yes, I wept and cried and stuck to it. When they first brought me out of jail, they said they did not want anything else but the truth, then they said I had to tell a lot of lies and I told them I would not do it. That man sitting right there (pointing to Mr. Campbell) and a whole lot of men wanted me to tell lies. They wanted me to witness to what my husband was saying. My husband tried to get me to tell lies. They made me sign that statement, but it was a lie. If Mr. Frank didn't eat any dinner that day I aint sitting in this chair. Mrs. Selig never gave me no money. The statement that I signed is not the truth. They told me if I didn't sign it they were going to keep me locked up. That man there (indicating) and that man made me sign it. Mr. Graves and Mr. Pickett made me sign it. They did not give me any more money after this thing happened. One week I was paid two week's wages.

RE-DIRECT EXAMINATION.

None of the things in that statement is true. It's all a lie. My wages never have been raised since this thing happened. ~~They always told me to keep quiet.~~ They always told me to tell the truth and it couldn't hurt.



PHIL SELIG, Sworn for the defendant.

I am Mr. Frank's father-in-law. My wife and I live with Mr. Frank and his wife. The kitchen in our house is next to the dining room. There is a small passage way between them. The sideboard in the dining room is in the same position now, as it has always been. Mr. Frank took breakfast before I did on April 26th and left the house before I breakfasted. I got back home to dinner at about 1:15. My wife and Mrs. Frank were eating then. They told me in the morning to come home a little sooner, that they wanted to go to Grand Opera that afternoon and have dinner a little earlier than usual, and I came home a little earlier. Mr. Frank came in after I did, about 1:20. There was nothing unusual about him. No scratches or bruises about him. He sat down to his meal. The ladies left us while he was still eating. I don't know what Mr. Frank did after dinner. I went out to the chicken yard. Mr. Frank was still in the hall when I got back. I laid down and went to sleep. I did not see him when he left. I saw him about 6:30 that evening. Mrs. Frank and Mrs. Selig had not yet gotten back. They came in a short while. We ate supper about seven o'clock. I noticed nothing unusual about him at supper. We finished supper about 7:25. Mr. Frank sat in the hall and read. A party of our friends came to the house and played cards after supper. Frank and his wife did not play. They do not play poker. They play bridge. He was reading in the hall while we were playing. He came in one time while we were playing and said he read a story about a baseball umpire's decision and he was laughing. Frank answered the doorbell several times that evening when the guests came. He and his wife went to bed before the company left, about 10 or 10:30. He came to the door and said goodnight and went up stairs. His wife went up shortly afterwards.



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Our party broke up about half past eleven. I did not hear the telephoning early Sunday morning. I saw no scratches on Frank Sunday morning.

CROSS EXAMINATION.

I have never seen the servants move that sideboard. I say it was about 1:20 when Mr. Frank came home to lunch, because I left town about 1:10. The car reaches our corner between 1:10 and 1:20. I got home a little after one. About 1:10 Mr. Frank may have laid down and taken a nap after dinner. I don't know. I laid down and took a nap. Mr. Frank was gone when I woke up. I have heard Mr. Frank frequently call up the factory from his home at night. I talked very little with Mr. Frank on Sunday when he got back home. I don't recall any conversation I had with him relative to the murder. I did not pay any attention to anything he said about the murder at dinner time. I have no recollection of telling Coroner's jury that he did not leave before I got up. I knew that he, my son-in-law, was Superintendent of factory and that a girl was found killed there, and I did not refer to the subject that day. I don't remember saying that Frank didn't say anything about it when he came home. I ate dinner with him. I remember stating at Coroner's inquest that Frank came home and didn't say a word about it all day to me.

MRS EMIL SELIG. Sworn for the defendant.

I am Mrs. Frank's mother. Mr. and Mrs. Frank have been living with us two years. The sideboard is in the same position it always has been except when we sweep under it. We had lunch on April 26th after 1 o'clock, about ten minutes past

one. Mr. Frank came about twenty minutes past one while we were eating. He sat down with us and ate. Mrs. Frank and I left home before he did. We left about half past one. He was still eating at the table. After the opera, while we were on the street car, passing Jacob's drug store we saw Mr. Frank at about 6:10. I happened to look up at the clock and saw it was 6:10. We stopped at my sisters, Mrs. Loeb, before going home. Mr. Frank was there when we got there. We saw nothing

bruises, wounds or marks. We got home about half past six. We sat down to supper about a quarter to seven. Mr. Frank ate with us. We finished at a



quarter past seven. We played cards that night in the dining room with a party of friends. Mr. Frank and his wife did not play. They do not play poker. They play bridge. He was sitting in the hall reading. Mr. Frank answered the doorbell and let in some of the guests. He came in once while we was playing cards to tell us about a joke that he had read about an umpire and he laughed out very heartily. He went to bed between ten and ten thirty. He told us all goodnight before going. Mrs. Frank followed a few minutes afterwards. We played cards until about twelve. I did not hear the telephone ring next morning. It did not wake me up. I saw Mr. Frank next day about 11 o'clock. I saw no blood spots or marks or bruises or cuts about him. I think he was arrested on Tuesday.

#### CROSS EXAMINATION.

I am not mistaken about seeing Mr. Frank about 1:20 on Memorial day. We were eating dinner when he came in. Mr. Frank got home about 11 o'clock Sunday. He told us he had been sent for to come to town. He spoke of a crime having been committed. I asked him what had happened. I don't remember that he told me about the crime. He did not seem unconcerned about it. I said at Coroner's that I thought he seemed unconcerned about it. I don't remember his remarking about the youth of the girl or the brutality of the crime. He didn't describe any wounds. He didn't give any theory as to how it happened. He was anxious as to how it happened. I have forgotten what suits Mr. Frank wore Saturday, Sunday and Monday. I think I said before the Coroner that he wore the same suit Saturday, Sunday and Monday. But I was mistaken. I don't remember saying before Coroner whether Frank evidenced any curiosity or advanced any theory about it or not. I knew he wore one suit during the week and a different one on Sunday, and my impression was that on that Sunday he wore the same one. I don't think Mr. Frank mentioned the name of the girl that was killed on Sunday. The first that I knew of it was when I saw her name in the paper the next morning. The subject was mentioned at the dinner table on Sunday.



11.

RE-DIRECT EXAMINATION.

My health is bad and I did not care to hear much of the facts of the crime at the time. I was operated on the next day. Mr. Frank spared my feelings. These are the clothes Mr. Frank wore on April 26th (Defendant's Exhibit 49).

MISS HELEN KERNS Sworn for the defendant.

I work for the Dodson Medicine Company as stenographer. My father works for Montag. I took shorthand under Professor Briscoe last winter. I have seen Mr. Frank in his factory. I went there with Professor Briscoe to get a job. I didn't get the position. I was working on the 26th day of April for Bennett Printing Company. That day I got off about 12 O'clock. I then went around in town to the different stores and did some trading. I had an appointment to meet a girl at 1:15 at the corner of Whitehall and Alabama Streets, at Jacobs' Drug Store. About 5 minutes after one I came out of Kress Store on Whitehall Street. I looked at the clock in front of Freeman's Jewelry Store. I immediately went to Jacobs Corner. I had been standing there about five minutes and I turned around and saw Mr. Frank standing there right up against the building at the corner of Alabama and Whitehall Street. I do not know how long he had been there. That was about ten minutes after one. After I saw him I waited about ten minutes until my friend came. She was a little behind time. She came about twenty minutes after one. I read about this tragedy about the middle of the week, and told I then recall seeing him about that place until my father.

CROSS EXAMINATION.

Yes, there was a large crowd on the street that day. I had been standing there about five minutes when I turned around and saw Frank. It was not packed and jammed at that time, not up against the building. I did not come along.



untillalmost three o'clock. There was plenty of room on that corner. I stood there from five minutes after one until twenty minutes after one. After I met my friend we went back to Kress. I did not speak to Mr. Frank. He was standing up against the building up Alabama Street. It was not real crowded up Alabama Street. You could not stand in the middle of the sidewalk. I got a clear view of Mr. Frank. I don't think he saw me. I don't think he would have recognized me because he sees so many faces every day he would not know mine. I had only met him once. I recognized him. I can't be mistaken about the time I saw him because I looked at the clock just before I got there. When my friend met me we went around the corner. The clock stood twenty minutes after one. Kress' store did not close at 12, because I was in there after 12. I am sure of that. I was watching the clock because I had an appointment at a quarter after one. I left Kress' at five minutes after one and went down Whitehall street to Jacobs' corner. Whitehall street was badly crowded. It didn't take me more than a minute or a minute and a half to walk down to the corner. It was only a few steps. There was no one standing between Mr. Frank and myself on Alabama Street.

MRS. A. P. LEWY sworn for the defendant.

I live right across the street from where Mr. Frank lives. I am not a relation of his either by blood or marriage. I saw him get off a car on Memorial Day <sup>between 1 and 2 o'clock</sup> about 1920. I was dressing to go to the matinee and was watching the cars as they passed to look out for my son who was late to dinner and saw Mr. Frank get off the car and cross the street to his home. I had a clock on my dresser and also one in the dining room, and I was hurrying to meet a friend at 2 o'clock, and I wanted to see a sick friend before going to matinee.



CROSS EXAMINATION.

I noticed that Mr. Frank got off at 1:20, because I was looking at the clock. I was watching the car for my son. I had already had lunch. I could not wait for him. He tried to get me over the phone but could not reach me. The reason I knew it was that time I was looking at my clock and noting the cars as they passed and my son had not come yet. That was the only reason I would have noticed it.

RE-DIRECT EXAMINATION.

My children on Memorial Day instead of coming home at 12:20 or 12:30, came home at 1:30.

Mrs. M. G. Michael, Sworn for the defendant:

I live in Athens, On April 26th I was at 387 Washington Street at 2 o'clock, at the residence of my sister Mrs. Wolfsheimer. Mrs. Frank is my niece by marriage. I am no kin to Mr. Frank. I saw Mr. Frank about 2 o'clock on April 26th. He was going up Washington Street towards town when I first saw him. I remember it was about 2 o'clock, because My son David was going to the matinee and he had to leave home before 2, and he had just left a few minutes when I saw Mr. Frank. I was on the front porch when I saw him. He came up just to the front porch. He greeted me and asked me about my people at home. We carried on a casual conversation. I noticed nothing unusual about him. I noticed no scratches or marks or any nervousness about him. He walked up Washington Street to the corner of Glenn and caught the Washington St. going to town at Glenn Street. My son Jerome, my nephew Julian Loeb and my sister Mrs. Wolfsheimer were also there and saw him.

CROSS EXAMINATION.

He had not seen me for several weeks. He didn't know I was in the city, and when he saw me there on the porch he came over.



to speak to me. 387 Washington street is three doors above Georgia Avenue. I saw him take the car at the corner of Glenn and Washington St.

JEROME MICHAEL, Sworn for the defendant.

I live in Athens. I was in Atlanta on April 26th. I took dinner at Mrs. Wolfshetner's residence at 387 Washington Street. I saw Mr. Frank upon that day between five minutes to 2 and 2 o'clock. I know it was that time because I had an engagement with a young lady and I had a watch in my hand most of the time. My brother Dave had just left for the opera when Mr. Frank came up. When I first saw him he was going toward the right hand corner of Washington Street and Georgia Avenue, going up Georgia Avenue. I saw him and called him and when he saw my mother standing on the porch he came over and spoke to her. He stood on the steps of the porch, he stood there just a few minutes until the next car came. I noticed <sup>absolutely</sup> nothing unusual about him. No scratches, bruises, marks and no nervousness. He ran up to the corner of Glenn and Washington Streets and caught the Washington St. car there going to town.

CROSS EXAMINATION.

I had my watch in my hand about the time I saw Mr. Frank.

I practice law.

MRS. HENRIE WOLFSEHIMER, Sworn for the defendant.

I am the aunt of Mrs. Frank. I live at 387 Washington St. the third house from the corner of Georgia Ave. On April 26th I saw Mr. Frank in front of my house. It was about 2 o'clock. We had finished dinner which we ate at half past one. I was not on the porch when he came up but I walked out on the porch after he came. I did not see him catch the car as I was called in the house before he left. I saw nothing unusual about him. No nervousness or bruises or scratches. I saw no stains on his clothes, no marks or tears of any kind.



CROSS EXAMINATION.

The time is fixed in my mind because we ate dinner at half past one and we had just finished. I was not looking for any scratches or bruises, but I certainly would have seen them if they had been there. I was close enough to him to have seen him.

JULIAN LOEB Sworn for the defendant:

I live at 380 Washington Street, across the street from the Wolfsheimer residence. I am a cousin of Mrs. Frank. I saw Mr. Frank on April 26th in front of the Wolfsheimer residence. I was there when he came by. It was between 1:50 and 2 o'clock. He was talking to Mrs. Michael and Mrs. Jerome Michael and was inviting them to attend a meeting of the B'nai B'rith lodge on the next day which was Sunday. He was president of that lodge. He left and walked towards town up Washington St. towards Glenn. I didn't see him catch the car.

COHEN LOEB Sworn for the defendant.

I was on the car with Mr. Frank going back to town on April 26th after lunch. I caught the car at Georgia Ave. and Washington St. He caught the car at Glenn and Washington St. which is one block nearer town. That was about 2 o'clock. It was a Washington St. car which goes straight up Washington St. to the Capitol and turns down Hunter. We sat together on the same seat on the car. Mr. Frank got off the car about two or three minutes before I did. He got off in front of the Capitol at about 2:10. The car was blockaded by the crowd which was watching the parade. Mr. Frank went down Hunter St. There was nothing unusual about him. No marks, or scratches or spots on him. He had on a brown suit and a derby.

CROSS EXAMINATION.

Mr. Frank was sitting next to the window. I know Mr. Hinochey. I did not recognize him as he passed our car in the machine but I



recognized his machine. It was going down the street. I recognized it by the dark color. It passed right in front of the car so close as to hit the car and that's what called it to my attention. The top of the machine was up and the sides were open. The car was a dark maroon color and seats from four to seven passengers. I don't know the number of it. I just saw a dark maroon car. I found out afterwards that it was Mr. Hinchey. I only noticed that particular automobile because it ran up in front of the car and the car hit it and nearly turned it over. The accident occurred right at us. There was no light to the street car. It was going too slow. They just came together and scraped.

H. J. HINCHEY, Sworn for the defendant:

I have known Mr. Frank between four and five years. I am mechanical engineer for the South Atlantic Blow Pipe Co. I saw Mr. Frank on April 26th opposite the main entrance to the Capitol on Washington Street. I was driving an automobile. He was on the streetcar coming down Washington St. going to town. I saw him but did not speak to him. It was between 2 and 2:15. As to how I knew that was the time after this matter came up I experimented to see just what time it was I saw him on the car, and I have gone over my movements just as I did them on that day, and the first time I experimented I got to the Capitol five minutes past two, and the second time I got there at eight minutes past two, and the third time exactly at two o'clock. I came very near colliding with the car in front of the capitol, as I drove around in front of the capitol. This near Mr. Frank was on rolled up in front of me. As I looked up at the car I saw Mr. Frank sitting in the front end of the car.

CROSS EXAMINATION.

I saw him only for a moment. I was too much occupied in trying to get out of the way of cars and vehicles. The crowd



was very thick. I have been to see Mr. Frank once in jail. I mentioned to him that I saw him that day. MR. Frank and I were only business friends. We have had pleasant business transactions and also controversies. I did not go to jail to talk it over with him. I went there because I had been knowing him for five or six years and was interested in him, because he was implicated in the case. We were not personal friends, but have had a great many business dealings with each other and I naturally felt an interest in this matter.

MISS REBECCA CARSON, Sworn for the defendant:

I work at the National Pencil Co. I have been there over three years. I work on the fourth floor. I am forelady of the sorting department. I have from thirteen to fifteen girls under me. At times I have heard the elevator running when the machinery in the factory was not running. It makes a noticeable noise. You can notice the vibration of the building and you can notice the ropes of the elevator running, and you can hear the cables of the elevator knocking. On Friday, April 25, I got my pay about 5:30 from the office. On April 26th I saw Mr. Frank looking at the parade in front of Rich's between 2:20 and 2:25. He spoke to me. I saw him again at ten minutes to three going into Jacobs' Pharmacy at the corner of Whitehall and Alabama St. I looked at the clock at that time. On Monday morning I said to Jim Conley, "Where were you <sup>on</sup> Saturday? Were you in the factory?" He said, "I was so drunk I don't know where I was or what I did." And Snowball, who was standing there, said, "I can prove where I was. I also overheard a conversation that he had with my mother when he said Mr. Frank was just as innocent as an angel; and when my mother said 'The murderer will be the negro Mrs. White saw sitting on a box at the foot of the stairs,' Jim dropped his broom quick and didn't finish."



CROSS EXAMINATION.

He made that remark to me about 8 o'clock Monday morning and I went right back and told my mother of it. The elevator makes enough noise to know it is running. You don't notice it when the machinery is running. You wouldn't know whether it was running or not unless your attention is directed to it. I had looked at the clock five minutes before I saw Mr. Frank in front of Rich's. I had just looked at the clock also before I saw him going into Jacobs'. I am certain of the times I saw him. That was the exact time by the clock. I get \$10.00 a week. Last time my salary was raised it was raised in January. There has been no raise since then. I had heard that some of the sweepers sometimes stay on Saturday afternoons to sweep. I didn't know it. I just asked him if he was there at the factory Saturday afternoon. He never before admitted being drunk to me before. Nobody suspected Jim of the murder at that time. I told my mother of it because I tell her everything. I told Mr. Darley about it. I don't remember when I told him. It was before Conley was arrested on Thursday. I told Mr. Rosser when he was at the factory. That was after Jim was arrested. I did not see the red spot in the metal room on Monday. I didn't go in the metal room until Tuesday. I didn't see it then, because I wasn't looking at the floor.

MRS. E. M. CARSON, Sworn for the defendant.

I worked at the Pencil Factory three years. Rebecca Carson is my daughter. I am a widow. I have seen blood spots around the ladies' dressing room three or four times. I was at the factory Friday morning. I left about 12:45. I saw Jim Conley on Tuesday after the murder. He was sweeping around my table.

I said "Well, I'm the only one who saw you yet", and he says, "NO."



On Wednesday I said the same thing and he answered the same thing. On Thursday when I said that to him again he said, "No, I ain't done nothing." I said, "Jim, you know Mr. Frank never did that," and he said, "No, Mr. Frank is as innocent as you is, and I know you is." I said, "Jim, whenever they find the murderer of Mary Phagan it's going to be that nigger that was sitting near the elevator when Mrs. White went upstairs. He laid his broom down then and went out. I would not believe Conley on oath."

CROSS EXAMINATION.

My daughter and I work on the fourth floor. Mr. Frank was up on the fourth floor Tuesday between nine and eleven o'clock. Everybody in the department was around there at that time. I don't know whether any of them heard the conversation between me and Mr. Frank then. I saw both Mr. Frank and Jim Conley on the fourth floor on Tuesday. I did not see Mr. Frank whisper to Conley. Mr. Frank never said a word to any of us about sticking to him. He said it was a deplorable thing little Mary being killed. I have seen blood in the dressing room around the lockers and some around the mirror. I have seen girls up there mash their fingers on the machines. I have seen blood in the sink in the toilet room and on the machines where they cut their fingers. I saw a spot about as big as my hand sometime last year on the fourth floor near a garbage can. It looked like blood to me. I have seen spots about as big as my finger, different spots up on the fourth floor. I have seen girls once or twice come in with their fingers mashed come into the toilet room and go to the sink after they had mashed their fingers. I don't know when I heard that Mrs. White said that she had seen a negro sitting on the box. I think I read it in the paper sometime that week. The big spot of blood I was talking about was occasioned by the girls whose sickness was on them. I have never seen Mr. Frank or anybody buy down at the office at any time drinking beer



or doing anything of that sort. I did not go down and see blood on second floor near dressing room.

MISS MARY PIRK. Sworn for the defendant.

I am one of the foreladies working at the National Pencil Co. I am at the head of the polishing department. I have been there about five years. I talked with Jim Conley Monday morning after the murder. I accused him of the murder. He took his broom and walked right out of the office and I have never seen him since. His character for truth and for veracity is bad. I would not believe him on oath.

CROSS EXAMINATION.

I suspected Jim as early as Monday, April 28th. I did not report it to Mr. Frank then. I don't know why I didn't. I knew that Gantt and Newt Lee and Mr. Frank had been arrested. Yes, I have never said anything about it to anybody. I suspected Jim because he looked and acted so different. I told Mr. Arnold and Mr. Rosser about it when they asked me about it. That was after Jim was arrested. Jim acted very peculiar but I thought best not to say anything about it. I knew the company was anxious to get the murderer, but I just didn't mention it. I don't know why. I mentioned it to several of the girls standing around, Miss Denham, Miss McCord, Mrs. Johns and several others. I accused Jim before I saw the blood at the ladies' dressing room. It was all smeared over with some kind of white stuff. It covered about two feet an area. I mentioned it to the girls before Jim was arrested. I am not sure whether it was before or after. It was after the Coroner's inquest. I have seen several spots in the factory that looked like that spot many times. All kinds of spots. I have seen spots before that looked like that. I don't know exactly when. My opinion is that Mr. Frank is a perfect gentleman. I always found him to be one in my dealings with him. I have never heard any of the girls say anything about him. I have never heard of



a single thing immoral that he did do in those five years. I have never heard of his going in the girls' dressing room. I have never heard of his slapping them as he would go by. I have never heard Mr. Frank talk to Mary. I have never heard of the time Mr. Frank had her off in the corner there when she was trying to go back to work.

MISS DORA SMALL Sworn for the defendant.

I worked on the fourth floor of the pencil factory for five years. I saw Jim Conley on Tuesday. He was worrying me to get money from me to buy a newspaper and then he would come and ask me for copies of the paper before I would get through reading them. They were extras. He would even get two of the same edition. He would take it and run over there and sit on a box by the elevator and read it. He can read alright. He had on an old Norfolk coat with a belt around it and it buttoned just as tight around his neck as it could be. Before that he had gone around there all open and loose and as slipshod as he could be. I could not tell whether he was wearing a shirt or not because his coat fastened up so tight. He told me "Mr. Frank is just as innocent as I am and he says, "God knows I was nowhere around this factory on Saturday." I didn't see Mr. Frank talking to Jim anywhere in the factory on Tuesday. I have never seen him talk to that nigger in my life. I have never been down in Mr. Frank's office after hours, drinking or doing anything wrong at any time. I have known Conley for two years. His general reputation for truth and veracity is bad. I don't know of any nigger on earth that I would believe on oath.

CROSS EXAMINATION.

I would not believe Snowball on oath. I would not believe any nigger. I got a fifty cent raise in salary about four months ago. I have got no raise since Mr. Frank



It was before this murder took place. I did not see Mrs. Carson talk to Jim on Tuesday or Wednesday. She worked ~~in~~ in one end of the building and I worked in the other. I saw Mr. Frank and Miss Carson talking on business between eight and nine o'clock on Tuesday. They stopped right in front of my machine. Mr. Frank went downstairs and Miss Carson went on back to her work. He used to come up there frequently. Conley was standing at the elevator. He was standing with his hand on a truck. He was not sleeping. He must have seen me and Mr. Frank. Mr. Frank did not see Conley. When Mr. Frank went down the steps Conley was still standing at the elevator. Conley was asking me for newspapers all during the morning every time they would holler "Extra". He would come to me. That was after Mr. Frank had gone. That continued all day Tuesday and Wednesday. I didn't buy any extras on Monday. I bought four ~~times~~ before noon on Tuesday. The elevator makes a right smart noise. Shakes the whole building. Anybody in the world can tell it is running if the machinery is not running; but you can't notice it much unless you are right close to the elevator. Some of us went back in the metal room one day to see if we could see any blood spots. Mrs. Carson and Mrs. Thompson I think were with us. Curiosity led us down there. We saw where the floor had been chipped up. Saw something that looked like white face powder around the chipped up place. Looked like some of the girls had powdering their faces and spilt the powder. There were two or three spots, some the size of a nickel and some the size of a quarter. The floor was very dirty all over.

*here*  
MISS JULIA FUSS, Sworn for the defendant.

I work on the fourth floor of the pencil factory. I have never known anything wrong or immoral to be going on in Mr. Frank's office. I talked to Jim Conley Wednesday morning after the murder. He was ~~sworn~~ ~~at~~ there and asked me to see the newspaper.



As he read it he kinder grinned. He told me he believed Mr. Frank was just as innocent ~~from~~ as the angels from Heaven. I know his general character. He was never known to tell the truth. I would not believe him on oath.

CROSS EXAMINATION.

I saw the darl red spots by the water cooler in the metal room where they had chipped up something. Something white was dropped all over it. The spots did not look like they had been smeared over. Looked like a plain drop of blood. I think it was paint because there was paint used there all the time. They asked me soon after the murder about the general character of Frank. They asked me if I knew anything against his character and I told them no. They generally spoke well of him. They always spoke good of him. I have always heard him spoken of in the highest terms. I have never heard him accused of any act of immorality or familiarity with the girls in the factory. Jim Conley got two papers from me on Tuesday and Wednesday. I bought them. Jim always seemed to be kind of nervous or half drunk or something. He did not arouse my suspicions until after he began to read the papers and grin about them and comment on them. I didn't see Mr. Frank speak to Conley on Tuesday. Conley was not there. I am sure of that. *once at 9 and again in 15 or 20 minutes* Mr. Frank came up there twice. He came around to see if everything was in good working order. He spoke to Miss Carson and Mr. Darley and to a little boy. And then went on down stairs. He came back in about fifteen or twenty minutes to see if everything was going on alright. He spoke to Miss Carson again about the work. He always came upstairs to see if everything was going on alright.

EMMA BEARD (c), Sworn for the defendant.

I am Mr. Schiff's servant. On April 24th, 1913, I answered the telephone. It was Mr. Schiff on the telephone.