

Witness Swears He Saw Frank Forcing Unwelcome Attentions Upon the Little Phagan Girl

The most sensational testimony of the entire morning session was produced when Willie Turner, a young farmer of Sandy Springs, Ga., an ex-employee of the pencil factory, was called by the prosecution.

He testified that Frank knew Mary Phagan, and that on one occasion he had seen the superintendent and the victim in the metal room, when the girl was striving to get away from him and return to her work.

He was questioned directly by the solicitor.

"Where did you work in March, 1913?"

"National Pencil factory."

"Did you know Leo Frank?"

"Yes, sir."

"Did you know Mary Phagan?"

"Yes, sir."

"Ever see Frank talking to Mary Phagan?"

"Yes, once on the second floor in the metal room."

"How long was that before she was found dead?"

"It was about the middle of last March."

"What time of day was it you witnessed this scene?"

"Shortly before noon."

"Who else was in the room?"

"Nobody that I could see."

"What did Mary do?"

"She told Mr. Frank she had to go back to work."

Frank Followed Girl.

"Anything else?"

"She backed off and he went on walking towards her, talking to her. The last words I heard him say to her was that he wanted to talk to her."

"What was it Frank said to her?"

"He said he was superintendent of the factory and that he wanted to talk to her."

At the request of attorneys for the defense the jury was sent from the room. Mr. Arnold made a request to argue the subject, declaring the testimony was inadmissible and irrelevant.

In reply Mr. Hooper said:

"It is to show that Frank was familiar with the girl and was displaying his superiority to her. And, you

must remember, your honor, that this affair happened only a short time before the murder. Also, that the accused man's statement was that he did not know the girl, except by her name which he saw on the pay roll."

Following which Judge Roan asked Rosser if he cared to be heard. Rosser said:

"I don't want to be heard if your honor isn't with us on this subject."

Dorsey:

"We contend, your honor, that this girl was killed in the metal room by this man, who has declared he never knew her. It is contradictory to his statement made here, and this boy's testimony should rightfully go before the jury."

Mr. Arnold arose, saying:

"Your honor can see that this trial isn't being held on the original issue. Every illegal transaction has been brought against this man that could possibly be brought to bear."

Interrupting the attorney for the defense, Mr. Hooper exclaimed:

"I don't think this statement of Mr. Arnold's should be allowed to go in, because, in the first place, it isn't true."

Judge Roan recalled the jury, ruling that such parts of Turner's statement would be admitted in the effort to show that Frank was acquainted with the girl.

The witness repeated his story to the jury. He then was taken by Rosser for cross-examination.

"What time of day did you say it was you saw this?"

"Shortly before noon."

"How many girls were in the metal department at that time?"

"I didn't see any."

"Didn't you say the girls were quitting work?"

"Some of them were."

Turner was called from the stand. As he reached the doorway he was recalled again by the defense.

"Describe Mary Phagan to me," said Mr. Rosser.

"She had light hair, and—I know her, but I can't describe her. I know her because I had heard other boys talking about her."

He was then released.