COVERS DIXIE LIKE THE DEW

The Atlanta Journal

Fair tonight and Wednesday

VOL. XXXI. NO. 178. ATLANTA, GA., WEDNESDAY EVENING, AUG. 20, 1913. LAST EDITION. PRICE 2 CENTS

Testimony May Close Wednesday

Impeachment Articles May Be Entered Against Judge Emory Speer, of Georgia

COMMITTEE HEARS GRAVE CHARGES BY SPECIAL PROBERS

Result of Investigation of Department of Justice Presented to House Committee in Secret Session

ACCUSE JUDGE OF GIVING PLUM TO HIS SON-IN-LAW

Unofficial Information Says Judge Is Charged With Favoritism Toward Relative and Officers of Court

BY RALPH SHAW.

WASHINGTON, Aug. 20.—That a move is under way which may result in an attempt to impeach Judge Emory Speer of the United States district court for south Georgia, was learned on good authority today. It is believed probable that when the house meets next Friday a resolution may be introduced requesting the attorney general to submit to the house the report of a recent investigation of Judge Speer by special agents of the department of justice.

Attorney General McReynolds declined to discuss the Speer case in any of its phases when seen this morning. He would neither confirm nor deny that the report of special inspectors had been received and considered by him. It was pointed out that if the report has been received and considered by him it was within the power of the attorney general to submit it to the house.

Attorney General McReynolds declined to discuss the Speer case in any of its phases when seen this morning. He would neither confirm nor deny that the report of special inspectors had been received and considered by him. It was pointed out that if the report has been received and considered by him it was within the power of the attorney general to submit it to the house.

[illegible]

SEEK FREEDOM FOR THAW THROUGH WRIT OF HABEAS CORPUS

Fugitive's Attorneys File Application for Writ With Judge of Superior Court Which Hears His Case

MAY POSTPONE HEARING UNTIL DAY NEXT WEEK

In the Meantime Thaw Excludes Everyone From Jail, Smokes Cigars, and Orders Clean Linen and Delicacies

(By Associated Press.)

SHERBROOKE, Quebec, Aug. 20.—Application for a writ of habeas corpus demanding the immediate release of Harry K. Thaw, fugitive slayer of Stanford White, was submitted this afternoon to Judge Gibsonsky in the superior court at Sherbrooke, by Charles D. White, a lawyer retained by the Thaw family.

This news, regarded at first as a formality to bring Thaw into court after his arrest yesterday as a fugitive from justice, was subsequently explained by his counsel as being more significant. They contended that he was being detained illegally and that through habeas corpus he should be set free at once.

Application for a writ of habeas corpus was granted this afternoon by Judge Gibsonsky. The writ will be served on Thaw at 10 o'clock tomorrow morning.

[illegible]

THE MEXICAN QUESTION

M'NAUGHTON RESPITED THIRTY DAYS BY SLATON

HUERTA WOULD REOPEN LIND'S PROPOSITIONS

BROTHER KILLS BROTHER WHEN DOG CHASES CALF

[illegible]

CONGRESS HEARS CHARGES

Congress Are Outgrowth Of Trial of Colonel Huff

[illegible]

Dead From Bullet

[illegible]

BOTH SIDES ARE ANXIOUS TO BEGIN ARGUMENT AND SEND CASE TO THE JURY

A Number of Witnesses, Women and Girls Formerly Employed at the Factory, Swear Frank's Character Is Bad and That His Reputation as to His Relations With Women Is Bad—Defense Objects to This Latter Testimony but Is Overruled

THREE EXPERTS CORROBORATE DR. HARRIS IN HIS CONCLUSIONS ABOUT LITTLE GIRL'S DEATH

Street Car Men Testify That English Avenue Car Frequently Ran Ahead of Schedule and One Witness Says Mary Phagan Was Not on Car After It Left Marietta Street. Two Witnesses Say They Saw Frank Talking to Mary

Introduction of testimony both for and against Leo M. Frank will probably be concluded Wednesday afternoon, and in such an event the arguments of the attorneys will begin Thursday morning. If this program is carried out the case will go to the jury some time Friday morning. Owing to the fact that the defense introduced testimony the state will have the opening and closing arguments.

Attorneys for both the state and the defense have announced their purpose to conclude the introduction of evidence at the Thursday afternoon session of the trial, and they will make every effort to do so.

Three features characterized the Wednesday morning session: The first was the state's introduction of several physicians to sustain the testimony of Dr. H. F. Harris; the second was the testimony of a number of young women who swore that Frank's character was bad, and the third, the testimony given by a number of street car men to the effect that the English avenue car, manned by Motorman Matthews and Conductor Hollis, frequently arrived at the corner of Marietta and Broad streets ahead of time.

Matthews and Hollis, testifying for the defense, swore that Mary Phagan came into the factory [illegible]

[illegible] Matthews and Hollis [illegible] that it was between [illegible] Frank was not on it. Both testified that they had seen Frank talk with Mary Phagan at the factory.

Two Pinkerton detectives testified that they had seen Frank talk with Mary Phagan at the factory.

WOMEN ATTACK FRANK'S CHARACTER.

Through a number of women, principally most of whom were former employees of the National Pencil factory, Solicitor Dorsey attacked Frank's general character, and especially did he direct his attention to the contention of improper relations with women.

Judge Roan had previously ruled that the state could offer evidence to show that Frank's attitude toward women was bad. It was upon this ruling that the testimony of witnesses for the defense who had sworn that they had never seen the defendant act improperly toward women and had never seen women in his office. The court, in this ruling, however, held that the state could not introduce testimony to point to any specific crime.

Among the witnesses who testified that Frank's character and general reputation were bad were the following: Miss Myrtle Cato, Miss Maggie Coggin, Mrs. R. M. Dunnagan, Mrs. E. H. Johnson, Miss Marie Kirby, Miss Nellie Pettis, Mrs. Mary Davis, Mrs. Mary E. Wallace, Miss Emma Grigsby, Miss Carrie Smith and Miss Ruth Robinson. Mrs. Harvey Hewell and Miss Mamie Kitchens. Miss Robinson swore that she had seen Frank talk with Mary Phagan when she worked on the fourth floor of the factory and that in these conversations the defendant was making suggestions to the girl about her work.

Very few questions were asked these witnesses by the attorneys for the defense. None of them were asked why they gave Frank a bad character.

MEDICAL EXPERTS TESTIFY.

Hypothetical questions and expert medical testimony played a prominent part in the trial Wednesday morning. Two prominent Atlanta physicians—Dr. Clarence Johnson, a stomach specialist, and Dr. George M. Niles, a specialist in digestive derangements—agreed with Dr. H. F. Harris, secretary of the state board of health, that Mary Phagan could have met her death within an hour after she had eaten her luncheon of cabbage and bread.

Both of these physicians were asked lengthy hypothetical questions by Solicitor Dorsey, based upon the conditions which Dr. Harris stated he had determined by chemical and other tests, and both of the specialists, assuming that the tests were correctly made and that Mary Phagan possessed a normal healthy stomach, gave it as their opinion that the cabbage taken from her stomach by Dr. Harris would have shown more indications of digestion if it had remained in the stomach longer than an hour.

Dr. John Funke, professor of pathology and bacteriology at the Atlanta Medical college, and specialist in diseases of the tissues, testified that he had been shown sections of some of the dead girl's organs; that blood had invaded the tissues; blood vessels were gorged and were larger than normal.

Dr. Funke was positive that the injury to the tissues was done prior to the girl's death and explained that no blood cannot invade the tissues after death.

Frank Cotley and Newt Lindsey, was brought from the jail to the court house during the morning. It was at first thought that he would be recalled to the stand by the state to rebut portions of Frank's testimony, but later it was learned that he had been sent for in order that certain witnesses might identify him.

[illegible]

The court convened at 9 o'clock. Solicitor Dorsey started the argument. [illegible] allow the state to introduce testimony to rebutal, but that is the law and it is horrible.

I STAND LIKE OTHER LITIGANTS [illegible]

[illegible] prohibited it. I know that some people thought I should turn the prosecution over to the state's attorney general will let the state prosecute in rebutal, but that is the law and it is horrible.

I STAND LIKE OTHER LITIGANTS [illegible]

[illegible]

FRANK'S CHARACTER AMONG THE WITNESSES

(Continued From Page 1.)

Mr. Thomas Chisolm, one of which the defense objected, precipitating the argument just recorded.

A SO-FOOD QUESTION.

The question was some 100 words in length and included all the details relative which surrounded Mary Phagan's death. It concluded with the query: "Would you or not base an opinion as to how long after she had taken this substance and before this little girl came to her death? And would it be a valid guess or a scientific opinion?"

As the stenographer read the question over, Dr. Johnson took notice at 5.

After studying a moment, he said: "Before I could answer that question I not violate my oath. I would have to know whether the stomach was opened, and whether or not reliable methods had been used in the test."

"Assume that, doctor," said the solicitor.

"I am assuming that."

"Yes, sir."

The witness answered in about 150 words, embodying all of the conditions included in the hypothetical question concluded by saying "With due consideration of conditions named as possible factors I would express as my scientific opinion that the digestion of the bread and chicken was stopped within one hour after they were eaten."

Dr Johnson addressed the court. "I could like to have the stenographer read my answer; it is so long that I fear the stenographer and the witness conferred in the record of it."

"There is just one other question," said the to such you, Dr Johnson to say if stomach a law some time?"

"It is not," answered the witness.

Solicitor Dorsey had later the examination of her stomach's contents.

Dr Miles examined the samples of cabbage taken from Mary Phagan's stomach and stated at length the reasons for giving the answer that he did. He said that in the orderly progress of digestion, in the course of an hour, there should be more or less free hydrochloric acid in the stomach; and that had that portion of digestion taken place in the stomach been completed, there should have been enough acidity to cause the pylorus to open and release a portion of the food into the small intestines.

CORROBORATES DR. HARRIS.

Dr Miles did not in his answer be a specific interval between feeding and death. He said that within an hour he would expect to find free hydrochloric acid in the stomach. The test made by Dr. Harris had shown that there was none in Mary Phagan's stomach; therefore Dr Miles' conclusion corroborated that of Dr. Harris.

Dr Miles said further, answering a questioned by the solicitor, that severe physical exercise of great mental stress tends to retard digestion. There followed other technical questions concerning the stomach, and in his answers the witness published the fact that he attended the state.

"What do you say about the wide variation of disease of stomachs?"

"There are very wide variations," said the witness.

Mr. Arnold cross-examined the witness.

"You have pretty wide variances in the normal stomach, haven't you, doctor?"

"Yes, sir."

"Do you mean by 'mechanical rule?'"

"Well, it there any rule of any kind, then?"

"Healthy stomachs have a fairly fixed standard of time for digesting foods."

"Do you mean to take an hour thousand cases to get an average?"

"Because that makes our position all the more certain."

"Is there anything about a man more individual than the kinds of food that suit him?"

"Yes, sir."

"Do you mean by 'mechanical rule?'"

"Healthy stomachs vary, don't they?"

"Under normal circumstances, the process of digestion in a healthy stomach follows the fixed rule."

"What time does it take a healthy stomach to digest cabbage?"

"I can't answer that question."

"Did you ever take cabbage from a stomach?"

"I took cabbage from a cancerous stomach that had been there twenty-four hours."

"I'm not talking about a cancerous stomach. I am talking about a healthy stomach. What is the longest you have ever known cabbage to remain in a healthy stomach?"

"I have found the remains of cabbage in a healthy stomach four or five hours after it was eaten."

"Mastication is one of the important factors in digestion, isn't it?"

"Very important."

"If food is masticated poorly, that delays the beginning of digestion, doesn't it?"

"Yes, mastication is one of the first stages of digestion, and if food is masticated poorly, the stomach is robbed of one of the first stages."

"Isn't it impossible to say how long undigested cabbage would lie in the stomach before digestion began?"

"CONDITION SHOULD BE IMMEDIATELY."

"No, I should say that a healthy stomach would begin to digest food at once, whether it had been chewed or not."

"Poor mastication would delay digestion though, wouldn't it?"

"It takes very little mastication to start the digestive functions if I may be permitted to express it that way."

SHOWS SPECIMEN OF CABBAGE.

"That cabbage taken from Mary Phagan's stomach was not well chewed, was it?"

Dr. Miles examined the specimen and said that it was not chewed as well as it should have been. But the antiseptic action of saliva, and a good healthy appetite, start the saliva juices in the mouth, whether the food is chewed or not."

"You don't pretend to say how long that cabbage lay in Mary Phagan's stomach, do you?"

"Not by looking at it—no."

"It might have lain there four or five hours, might it not?"

"No." I think that in that length of time it would have been pulverized."

"Then it might have lain there three hours, might it not?"

"No, in my opinion in three hours it would be pulverized and broken up. But I want you to understand that that is simply my opinion based on visual examination."

"What is largest piece, and a pretty wild one, have it doctor?"

"No, I should say that the juices of the stomach have done some considerable work in three hours."

Mr. Arnold then held this fund after chewing it a little.

"If she was hungry, and enjoyed the taste of it, wouldn't she chew it well?"

"Chewing is a very important function."

"Well, if the eating relished, wouldn't she chew it well?"

"There are certain components peculiar to the meat, which make the mastication of one person is unnecessary, another person in a large measure supplies the deficiency."

"Then why not work these components possessed all the time, and save the teeth?"

WOULD WEAR OUT STOMACH.

"In the event you would work the stomach by overworking it."

"Do you don't think that cabbage lay in Mary Phagan's stomach four or five hours?"

"No, I think in that time it would have been pulverized."

Attorney Arnold asked Dr. Miles a question of every questions, in an effort to tangle the witness; but was not successful.

"What time did you say that this package had been in Mary Phagan's stomach?" asked Mr. Arnold speaking.

"I said that assuming the stomach to be healthy and assuming the test to be correct, it was there less than an hour."

"Did you know that Dr. Harris made this test alone? That he kept the result of it in his pocket? That he came home with his conclusions unsupported? And that he never told anybody the test he had made? Did you know that Mr. Dorsey?"

"No. I didn't know that; although I had been told something to that effect."

"All right. Come down," said Mr. Arnold.

"Wait a minute," interrupted the solicitor. "Did you ever hear any rule of medical ethics that required a man, when asked to make a test, to call in Tom, Dick and Harry?"

Before Dr. Miles could answer, Attorney Arnold said: "We are not talking about Dick, Tom and Harry."

"Yes, sir!" said the solicitor.

Dr. Miles answered that he knew of no such rule of ethics.

VIOLENCE DONE BEFORE DEATH.

Dr. John Funke, a physician of prominence in the practice of pathology and bacteriology at the Atlanta Medical College was the next witness. He testified that he made special studies of the disease and its tissues. In answer to the solicitor's question, he said he was shown sections taken from the body of Mary Phagan. He testified that his examination under a microscope showed that the blood had invaded the tissues; and that the blood vessels were gorged with blood. The vessels were larger than normal. He said that he had not tell in the method of examination he followed, whether or not there was a discoloration. From the condition he found, said he, it was reasonable to suppose that there was a swelling there.

Solicitor Dorsey: "Dr. Funke, can you give us a scientific and accurate opinion as to whether or not these tissues were torn before or after death?"

"Yes, sir, I can; and I do know that positively, because blood cannot invade the tissues after death. It may flow out, but not in."

ANOTHER HYPOTHETICAL QUESTION.

he solicitor then asked this hypothetical question: A girl, children of fourteen years' old, at 11:30 o'clock on Saturday morning, eats a normal meal of cabbage, washed down with milk. At 1 p. m. the following morning, she is found with a cord around her neck and a gag forced into the flesh, the tongue is cut and swollen, and everything indicates that she was strangled. Her clothes torn and in and progressed from sixteen to twenty hours. Purple spots on her face, and gravity has dropped the blood into the lower portions of the body since the ground. She is embalmed between 8 and 9 o'clock on Sunday, a reasonable amount of formaldehyde being used in the fluid which is injected into the body is injected. A week or ten days later it is disinterred. The stomach is normal. There is no mucous. This cabbage exhibiting the specimen is found, together with granules of undigested starch, the state of the cabbage corresponding with the state of he starch granules. Thirty-two degrees of combined hydrochloric acid, and no free hydrochloric acid is found. The pylorus is unclosed. The small intestine for six feet is empty. Supposing these statements to be the facts, and assembling them with what you know about the condition of the organs—would you predicate a scientific opinion as to about the time that she met her death, and as to how long before death she received her injuries?"

The witness at first did not want to express an opinion as to the time elapsing between the meal and death, but after Solicitor Dorsey had summarized the hypothesis with scientific terms, he said it was reasonable to assume that the food had been in the stomach about an hour—maybe a little more or a little less.

EXAMINED TISSUES LAST WEEK.

Attorney Arnold cross-examined the witness, and brought out the fact that a week ago Saturday in Dr. Harris' office was asked by Dr. R. T. Dorsey, a brother of the solicitor, to examine the tissues of the vagina of a female child. He was asked by Dr. R. T. Dorsey, a brother of the solicitor, to examine the tissues of the vagina of a female child. Mary Phagan's body, and that he went to Dr. Harris' laboratory and examined them.

Mr. Arnold asked as to the size of the portions of the wall that the doctor had examined, and handing him a piece of paper asked him to cut off the size of paper of the same size. The witness tore off a small strip of paper, which was measured, and proved to be one-fourth of an inch wide and three-fourths of an inch long.

"Of course it was thicker than the paper," said Mr. Arnold.

"No, indeed," said the witness, "it was much thinner."

THINNER THAN TISSUE PAPER

"Thinner than tissue paper?"

"Yes, it had to be thinner for me to study it properly. I wouldn't have had it any other way."

"How many of those strips did you see?"

"Thirty or forty."

"You were not present at the autopsy?"

"No."

"And you were not shown these strips

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Feet feel like they were dragging ton weights? Do they burn, ache and jump with shooting pains? Do you realize that of letting perspiration stop because of circulation and cause all this terrible torture, why don't you somebody try a warm foot bath, tonight, one or two nights? Then, the Allen's Foot-Ease, used in powder form, shaken into the shoes and sprinkled in the foot bath, gives immediate relief. Tell your friends about Allen's Foot-Ease, 25c, by mail, 25c. Sample free. Address Allen S. Olmsted, Le Roy, N. Y. (Adv.)

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(Continued From Page 4.)

Solicitor Attorney Rosser.

"You say that was in the morning?"

"Yes, sir."

"Yes, were not in the metal box?"

"Yes, sir."

"About two weeks."

"The other girls were there? Mary don't work there very long, weren't they?"

"Yes, sir."

"They were at work and you at work, weren't you?"

"Yes, sir."

"Don't don't know what he was at her about, do you?"

"No, sir."

Attorney Rosser, in cross-examining witnesses, spoke to them in my voice; in striking contrast to rose to shed forward tender strain.

MISS CARSON RECALLED.

Miss Rebecca Carson was called to stand at Frank when she took stand.

Solicitor Dorsey: "Did you ever into the dressing room on the floor with Leo M. Frank?"

"No, sir. I never did" emphatically.

"All right," said the solicitor "Stay."

Miss Myrtice Cato was recalled. "Now don't answer this question, if the judge tells you to, admonished Solicitor Dorsey. "Did you ever see Rebecca Carson in the dressing room on the fourth floor Leo M. Frank?"

Mr. Rosser was on his feet with objection, but the witness had answered "Yes."

Then followed a sharp and toilet, with the court ruling against the holding to his former ruling, it was strange why in the record.

"How often did you see them there together?"

"AIN'T ALL I KNOW

"I never saw it but twice, and ain't all I know."

"Wait a minute," shouted Mr Rosser. Then having stopped the girl in single tone he asked: "When was it?"

"Some time this year."

"What time of day?"

"In the morning."

"Were other people there?"

"Yes, but I don't think they noticed it."

"We don't want to know what guess. We want to know what you know. Do you know if they saw it?"

"No, sir."

Solicitor Dorsey: "How did you pass on to see them?"

"I looked up the aisle. And that all I saw either—"

"Wait a minute! Stop!" shouted Rosser again. The witness told the reason to come down.

SAW FRANK WITH MISS CARSON

Miss Maggie Griffith was recalled the stand. Replying to the question the attorney, she testified that she Miss Rebecca Carson.

"Did you ever see her go into dressing room on the fourth floor Leo M. Frank?"

"Yes, sir."

"When was it?"

"Sometimes it was in the morning and sometimes it was in the afternoon."

"How long did they stay in there?"

"Frank was in there a minute."

The defense objected, and the question and answer were ruled out.

Solicitor Dorsey: "Did you see go in that dressing room?"

"Yes."

"Did you see them come out?"

"Yes."

Mr. Rosser: "Was that during work hours?"

"Yes."

"Were there any other women about?"

"Yes."

"Were down."

Solicitor Dorsey called for Miss Kinnon. Miss Kinnon was called. claimed to the court that she was a city employee and had been subpoenaed three days ago.

"Well, what have we got to do that?" Judge Rosser asked.

"Nothing," said the solicitor, but want her here."

The court dispatched the sheriff bring her to court.

STREET CAR INSPECTOR TESTIFIES

Harry A. Hoffman, an inspector the Georgia Railway and Power pany, was called. He said he knew M. Gantt, was a motorman, and that April 26 and prior to that time there was a conductor by the name minutes each day, from 11:30 to o'clock. He declared that there was such thing as a 12:01 car. He said Matthews' car was due at 12:07 and reached Atlanta at 12:57 o'clock. Over the objection of the attorneys the defense the witness stated that when it cut off the Bell Matthews car at Brown and Ashby streets, that the Pair street car on that line was on time. He said that at the defense, the witness stated several times he had compared watches with Matthews and Pair, that from 30 to 45 seconds. Matthews being fast.

MATTHEWS RAN AHEAD OF TIME

"Have you ever demerited Matthews for running ahead of schedule?"

"I called his attention to it twice or three times."

"What is the custom regarding ahead of schedule?"

"Well, they sometimes come in of schedule at dinner and supper periods?"

Attorney Rosser cross-examining witness.

"You don't pretend to know Matthews or not the car was on time that day, do you?"

"No, I don't know."

"You don't dispute these statements, every time they are offered, quietly?"

"No, we talk to them."

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Western & Atlantic Railroad

The following unclaimed freight remained on hand six months, one day and longer at the conductor in Atlanta, and offering and intent in the state of Georgia, will be sold at public auction, to the highest bidder, at Auction in the Freight Depot of the Western and Atlantic Railroad, on Forsyth street, Atlanta, Ga., Thursday, September 1st, 1915, beginning at 10 o'clock a. m. Bids and property moved before date of sale at Brown and Ashby streets, where the property is disposed of.

Mar 7, Tribune, 1 box; J. W. Rose, 1 box; Mary Hine, Company, 1 set stove; Mrs. Ed. Ellington, 1 bed; Mrs. Ed. Ellington, 1 bed; Mrs. Ed. Ellington, 1 bed

May Close State's Testimony Wednesday

(Continued from Page 4.)

Redirect by Attorney Rosser.

"Tell me what was in the metal department?"

"Yes, sir."

"You were not in the metal department and never was you?"

"About two weeks."

"Do the other girls were there when Frank was talking to little Mary Phagan?"

"Yes, sir."

"They were at work and you were not ordered away?"

"Yes, sir."

"You don't know what he was talking to her about, do you?"

"No, sir."

Attorney Hooser, in cross-examining these witnesses spoke to them in kindly tones in striking contrast to the tone he spoke toward other witnesses.

MISS CARMON RECALLED.

Miss Gantt Carmon was called. Was called at Frank's room when she took the stand.

Solicitor Dorsey: "Did you ever go into the dressing room on the fourth floor with Leo M. Frank?"

"No, sir; I never did" emphatically "All right" said the solicitor "Come back."

Miss Myrtice Cain was recalled.

"You don't answer my question until the judge tells you to, admonished Solicitor Dorsey. "Did you ever see Mr. Rebecca Carmon go into the private dressing room on the fourth floor with Mr. Frank?"

"Mr. Hooser—" she hesitated, looking at him, but before he could voice it the witness had answered "Yes."

Then followed a long and brief wrangle with the result that Judge Roan, holding to his former ruling, let the answer stay in the record.

"How often did you see them go in there together?"

AIN'T ALL I KNOW"

"I never saw it but twice, and that ain't all I know."

"Wait a minute," shouted Mr Hooser. This wrangle ensued, in the ninth time he asked "When was that?"

"Same time this year."

"What time of day?"

"In the morning."

"Was other people there?"

"Yes, but I don't think they noticed it."

"We don't want to know what you guess. We want to know what you know. Do you know if they saw it?"

"No, sir."

Solicitor Dorsey: "How did you happen to see them?"

"I looked up the aisle. And that ain't all I saw either."

"Wait a minute" Stop" shouted Mr Hooser again. The solicitor held the will tame to come down.

SAW FRANK WITH MISS CARMON

Miss Magdie Smith was recalled to the stand. Replying to the questions of the solicitor she testified that she knew Miss Hilbert's sister.

"Did you ever see her go into the dressing room on the fourth floor with Leo M. Frank?"

"Yes, sir" Three or four times"

"What time was it?"

Sometimes it was in the morning, and sometimes it was in the afternoon.

"How long did Frank stay in there?"

"Sometimes thirty minutes."

The defense objected, and the question and answer were ruled out.

Solicitor Dorsey: "Did you see them go in that morning food?"

"Yes."

"Did you see them come out?"

"Yes."

Mr. Hooser. "Was that during work hours?"

"Yes."

"Were there any other women about?"

"Some down."

Solicitor Dorsey called for Miss Kitchens. She did not answer. The solicitor talked to the court that she was a factory employee and had been subpenaed several days ago.

"But what have we got to do with that" demanded Mr. Hooser.

"Nothing" said the solicitor, "but we want her here"

The court dispatched the sheriff to bring her to court.

INSPECTOR CAN TESTIFY

Henry A. Hoffman, an inspector for the Georgia Railway and Power company was called. He said he knew W. M. Matthews, a motorman, and that on April 26 and prior to that time Matthews was under him for thirty-seven minutes each day from 11:30 to 12:07 o'clock. He declared that there was no such thing as a 12:07 1-2 schedule. He said Matthews' car was due at Broad and Marietta streets at 12:07 o'clock. Over the objection of the attorneys for the defense the witness stated that prior to April 26 he had been on Matthews' car when it cut off the Fair street car due at Broad and Marietta at 12:05, and that the Fair street car on that occasion was on time. Over the objection of the defense, the witness stated that several times he had compared watches with Matthews and found a variance of from 30 to 45 seconds. Matthews' watch being fast.

MATTHEWS RAN AHEAD ON TIME.

"Have you ever demerited Matthews for running ahead of schedule?"

"I called his attention to it twice that I know of."

"What is the custom regarding running ahead of schedule at relief time?"

"Well they sometimes come in ahead of schedule at dinnertime and supper relief periods"

Attorney Rosser cross-examined the witness

"You don't pretend to know whether or not the car was on time that day, do you?"

"No, I don't know"

"Don't you demerit these street car men every time they are off of schedule?"

"No, we talk to them."

"When did you catch Matthews ahead of schedule the last time?"

"Some time in March."

"What is the longest time you ever caught him ahead of time?"

"Three minutes."

Attorney Rosser asked several questions on this point. The witness replied that he remembered catching Matthews only twice. He said he had shown Matthews ever since he had been a motorman and been an inspector. The witness was excused.

CONTRADICTS MATTHEWS AND HOLLIS.

M. Kelly, a motorman employed by the Georgia Railway and Power company, was called to the stand. He contradicted Matthews and Mollis (the conductor of the car which Mary Phagan rode on April 26, regarding Mary Phagan riding with them around to Broad and Hunter streets that day. He testified that on April 26 at 1 minutes after 12 he was at Forsyth and Marietta streets and that he boarded the English avenue and Cooper street car of which Matthews and Hollis were in charge and rode with them around the circuit. He testified that this car is due at the corner of Marietta and Broad streets at 12:05 or 6 minutes ahead of the Cooper Street-English avenue car. He testified that he did not remember seeing the Cooper Street-English avenue car on April 26, but that he has known it to come into town ahead of his car—sometimes as much as 3 minutes ahead of his car, which would put it in town 4 minutes ahead of its schedule.

Mr. Hooser asked him a couple of unimportant questions, and he was excused.

L. F. Ingram, a street car conductor, was the next witness. He testified that he lives in the western part of the city, and comes into town from his home on the Cooper Street-English avenue car. He testified that he came to town on that car on April 26, but that he does not recall what time it was. He testified that he has seen that car ahead of its schedule sometimes as high as four minutes. He testified that he has also known it to arrive in town behind time.

Attorney Hooser: "You've seen it come in behind time as well as ahead of time, haven't you?"

"Yes, but I've seen it ahead of time more often than I've seen it late."

"They punish you for coming in ahead, don't they?"

"Yes. They punish you for coming in late, too."

"Are you sure they punish you for coming in late?"

"Yes, if you can't make a run they take you off of it. That's what I call punishment."

Miss Mamie Kitchens was the next witness. She testified that she works on the fourth floor of the pencil factory and has been working there nearly two years. She testified that she was there on that floor yesterday, and that she had not been out on the stand as a witness for the defense.

Asked whether any other girls up on fourth floor had been called as witnesses for the defense, she stated that she knows Mrs. Monteleman, Mrs. Hedgepeth, Eva Jones and Ethel Hedgard.

Asked if the girls described with the general character of Leo M. Frank prior to April 26, she said she did not believe she could testify; so on this point the solicitor excused her and tentatively took up another line of inquiry.

FRANK OPENED DRESSING ROOM.

In response to his questions, she testified that she knew Frank, knew Miss Mary Phagan, and that she remembers having been with them two girls in the dressing room on the fourth floor of the pencil factory when Frank came and opened the door without knocking and put his head in.

FRANK GRINNED AT GIRLS.

She testified that Miss Jackson was undressed at the time; that Frank grinned and seemed going on the door that Miss Jackson exclaimed: "We're dressing, Mame !!!"

She was cross-examined briefly by Attorney Hooser.

"Didn't he ask you girls whether you had any work to do?"

"Not that way he didn't."

"Yes, I know he doesn't talk in the same tone of voice I do. But what I want to know is whether he asked you this question, or something very nearly like it: 'Haven't you girls got any work to do?'"

"Yes, sir, he asked us something like that."

"What time of day was that?"

"I can't say what time of day it was."

"Was it during work hours?"

"Yes, it was during work hours, but we weren't at work because there wasn't any work for us to do."

"Ain't you mistaken about Miss Jones not having testified?"

"I've only got her word for it. That's all I know."

"Did Miss Jones work there before April 26?"

"Yes, sir."

"Now, I'm going to ask you a question that he have asked all of the ladies on the fourth floor who have testified. Did you ever, between July, 1913, and the first Saturday in January, 1913, inclusive, go to Mr. Frank's office for any improper purpose?"

"No, I never went there in my life for anything except to get some money on our time."

The witness was excused and court adjourned at 11:35 until 2 o'clock.

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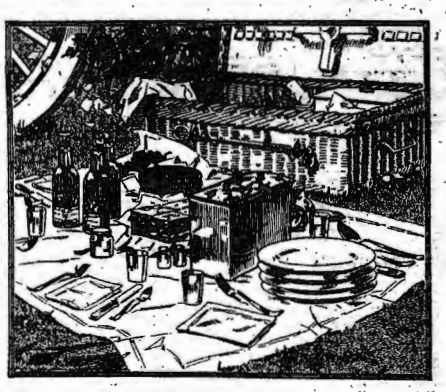

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Gentlemen: Perhaps one for not writing sooner, but I wanted to see if I would stay cured. I am now practically say I am perfectly well. I feel like a new man, no night sweats, no hay fever. Have a child of two years I have been suffering with lung trouble, which grew worse as I grew older. At the age of four years the doctor said if I could not be sent South I would surely die of consumption. Every winter I would be sick to have either Bronchitis, Pleurisy or Pneumonia. I had Typhoid-Pneumonia two times and catarrh of the stomach and bowels and had that fever for the last three years. I did have no earaches of late this year. I will answer all letters sent me asking a history of my case from any of the following addresses:

Yours truly, ETTA PLATH.

Eckman's Alterative does up cases of Lung Trouble, Bronchitis, Throat Trouble, Catarrh, Stomach and Bowel Troubles, Rheumatism, Nervous Debility, Kidney Troubles, Bladder Troubles, Backache, Nervous Headaches, Sleeplessness, Nervous Chills, Malaria, Malarial Poisoning, Malarial Chills, Malarial Fever, Malarial Cachexia, Malarial Anemia, Malarial Neuralgia, Malarial Rheumatism, Malarial Jaundice, Malarial Colds, Malarial Coughs, Malarial Bronchitis, Malarial Asthma, Malarial Pleurisy, Malarial Pneumonia, Malarial Typhoid, Malarial Stomach and Bowel Troubles, Malarial Kidney Troubles, Malarial Bladder Troubles, Malarial Nervous Debility, Malarial Nervous Headaches, Malarial Nervous Prostration, Malarial Nervous Sleeplessness, Malarial Nervous Chills, Malarial Nervous Fever, Malarial Nervous Malaria, Malarial Nervous Malarial Poisoning, Malarial Nervous Malarial Chills, Malarial Nervous Malarial Fever, Malarial Nervous Malarial Cachexia, Malarial Nervous Malarial Anemia, Malarial Nervous 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OLATREIA

...rd said by Frederic Harrison, ... is "the worship of the ugly. ... The human soul has its ... as fixed as the laws of the ... Feed the body ... alcohol and you will get ... delirium tremens. Feed the soul ... annual emotion, and ... it with intoxication, and ... delirium ... emotion is bad, but ... agitation is poison. ... best part of life is food. ... it is always the best ... that are most liable to ... thread a certain point ... impotent madness, ... common perversion, and the ... result becomes the ... for the hideous Greek in ... Aristotle if Shakspere ... it akin to sensuality." ... emotion is work, accompanied ... as a task no pressure of ... the idle class that is the ... having no work the most ... for new sensations. The ... cocaine or whisky ... the soul are the most ... of human experiences. Give ... of passion however, and ... artificial torture conceivable, ... to all are the results of ... they are that hideousness ... disownment leads. Art ... not satisfaction in ... nothing but the distorted ... of some the notion of ... meet or manner wine, but ... like ... destructive danger of pleas... that the Puritans sought to ... of morality is not ... life needs love, beauty, ... of fictions, inebriation, ... Yet with these, and ... music and dance, ... It is Never too ... of Socrates ... Everyone contemplation is ... He gave himself up to ... the emotions of his inner ... Right are these words ... Everything is in that; ... order not to feel the ter... of breaking your shoulders, ... must be consciously ... wine poetry or virtue as ... itself and if sometimes, ... the greensward of a grave, ... your roses, you wake to ... of vanished, ask or ... the star or the bird, or the ... the sea and the winds, they ... tell you: It is time to be ... the martyred slaves of ... With wine, poetry, or ... not in the impotence of ... the beauty worship ... life star is praise left ... with that of another man ... I must work the works ... it is day for the night ... The life of this man ... mechanical passion for a thou...

...rtyr of Georgia

...Shorter Journal) ...cently issued by the United ...ion relative to an examination ...State Normal school at Athens ...Ga.) ...shows as the Georgia club ...ence for three years. ...exhaustive economic and so... of Georgia as a whole and ...in one of the county surveys ...published. They contained a ...which never had been put in ...in large part as a revelation ...of in many cases they ...the better conditions ...The Georgia club went about ...year balance sheets for the ...to install the gains and losses ...in education agriculture, in... health and taxation, public ...ls and churches. As de... a large and significant part of ...men in the field at ...Sunday school assemblies, ...quarterly conferences, ...visits to other schools ...other states, organizing ...Boys' clubs. ...State Normal school ...information and in directing ...Bulletins are issued at fre... ...of the facts ...making inventories of the Geor... ...work is proving the use... ...problems and ac... The systematic investigations ...county survey as a begin... To improve it... ...weak spots and the sur... ...of intelligent rem...

...st Directory

...dance with splendour greed, ...important orders run, ...crying over the waste ...Buried Babylon!

...sunsets, rich with flame, ...Mist of the nile, ...time, golden haze ...the Syrian hills!

...sunsets, rich with alpine, ...with carmilion vine, ...the desert frame ...in Egyptian skies!

...indelible, sown with stars, ...engine with its silver sail, ...of dusky sonnphars, ...of the nightingale! ...HD in the New York Times.

...ghal of Court

...Weekly.) ...said the rural justice, fingering ...envelope. "Your bill will come ...envelope. "THEY ...

...ATING METHODS OF ... BE TOLD BY EXPERTS

Southern Railway Sends Special "Dairy Instruction Car" to Atlanta

Educational meetings of interest to both dairymen who supply Atlanta milk and to Atlanta people who depend on local dairies will be conducted by expert dairymen on the Southern railway's special "dairy instruction car" Thursday and Friday at the Terminal station, where the car will be parked on Southern railway tracks at the end of Mitchell street viaduct at Hilliard street.

The car is being sent to Atlanta by the Southern railway for the purpose of bettering dairying methods in this section. It is the same car which toured Georgia last year and which has visited hundreds of communities throughout the southeast. The car is fitted out like a model farm dairy, with all the latest machinery and apparatus necessary to the small farm dairy, and will be in charge of Dr. G. M. Morgan, head of the dairy division of the Southern railway, who will be assisted in conducting the lectures and demonstrations by Dr. Peter P. Balkema, state veterinarian, and dairy experts from the Georgia College of Agriculture and the state and federal departments of agriculture.

Thursday there will be special meetings from 10 a. m. to 1 p. m. and from 1 to 4 p. m. for dairymen and farmers, and on Friday the same hours will be devoted to special meetings for consumers of milk. The car is cooled and made comfortable with electric fans and seats are provided for the lectures and demonstrations. Through the skill of these experts and practical demonstrations of the most modern and scientific methods, the Southern railway hopes to stimulate interest in dairying and to be of practical aid to those supplying Atlanta people with dairy products. The meetings Friday will enable consumers to feel the difference between good and bad milk and butter so that they will be in position to demand a higher grade product when the milk man comes around. Atlanta women are especially invited to the meetings.

WRIGHTSVILLE BEACH EXCURSION

$1 round trip, Saturday, August 23rd. Special trains leave 4 p. m. Seaboard. (ADV.)

CUBAN MILLIONAIRE ASKS COURT FOR DELAY

J. E. Barlow Will Seek to Get Custody of Daughter at Later Date

The habeas corpus petition of J. E. Barlow, Cuban millionaire, for the possession of his ten-year-old daughter Madeline, was postponed by Judge Hell of the superior court Wednesday because Mr. Barlow was called to Havana by pressing business matters. The case will be heard as soon as it is convenient for Mr. Barlow to be in Atlanta.

At present Madeline Barlow is living with her mother, Mrs. Zilith P. Barlow, divorced wife, at 219 West Peachtree. The petition is a step in the bitter legal fight between the two for the possession of the little girl, which has lasted since they were divorced a year and a half ago.

The judge granted the divorce awarded Madeline to Mr. Barlow, but Mrs. Barlow obtained custody of the child early in August by a writ from the Stewart county ordinary court.

THE SUMMER HEALTH DRINK

Hoyt's Acid Phosphate

Invigorating, refreshing and delicious cooling, thirst quenching and refreshing than lemonade. (ADV.)

SOUTHERN STATES LIFE TO GIVE ANNUAL DINNER

Anniversary Club Banquet to Bring Agents From All Parts of South

The annual banquet of the Anniversary club of the Southern States Life Insurance company will take part in the Hotel Ansley Saturday evening at 7:30 o'clock.

This event is always attended by the principal field representatives of the company, who, through excellent work during the past year have gained membership in the organization.

Aside from the members of the club a number of prominent Atlantans will be present as guests of the company.

THEY CONGRATULATE DR. HARRIS

—Staff Photo by Winn.

Dr. Gerrit H. Miller (left) and Dr. Clarence Johnson, well-known specialists who located Wednesday that it was possible to tell how long food in the stomach of little Mary Finagan before she met death.

PAINT MEN PUSH SOY BEANS' CULTIVATION

Believe Manchuria Product Will Bring Fortune to Atlantic Farmers

In order to show the advantage to be gained by farmers in raising the soy bean, a visit to all the agricultural stations in the United States and Canada is being made by L. P. Nemsek, of the educational bureau of the Paint Manufacturers' association of the United States, an organization having a membership of 700 concerns. Mr. Nemsek visited Atlanta and Experiment station Tuesday.

Paint manufacturers are interested in the soy bean because from it can be manufactured a vegetable oil that will take the place of linseed oil in making paints. This the manufacturers have proved by tests.

Their reason for wanting a substitute for the flax or linseed oil is that the return from flaxseed is so small that farmers are fast discontinuing its cultivation. Nemsek thinks flaxseed raising will be practically extinct within ten years from this reason.

In contrast to the small return from flaxseed, Mr. Nemsek says the soy bean is very productive and sells at a price that justifies its cultivation. Also the soy bean has an alkidial effect on ground and makes a good rotary product. Another use of the bean is as cattle feed after the seed have been ground for oil.

At present only about 200,000 bushels of this bean is raised in America, Manchuria producing the world's supply. Mr. Nemsek says the coastal plain of Georgia is especially adapted to the cultivation of this bean, although it grows well anywhere.

BANKRUPTCY PETITION AGAINST EX-COUNCILMAN

An involuntary bankruptcy petition has been filed against H. C. Ohme, a grocer and former councilman. The petitioners are the Williams-Thompson company, with a claim of $2,616, described as notes: W. V. McMillan, $19. Shewmake & Murphy, notes, $179.58.

JOCK M'NEIL'S FUNERAL ON THURSDAY AFTERNOON

The funeral of Jock McNeil, the popular motorcycle rider who met his death through injuries sustained while practicing on the motordrome last Monday afternoon, will be held Thursday afternoon from the chapel of Greenberg & Bunchey, Rev. A. B. Holden, of the Moore Memorial church, will officiate, and burial will be at West View cemetery.

A Summer Vacation in New York at

THE PLAZA

Fifth Avenue and Fifty-sixth Street

is an ideal one, as the Metropolis offers every facility for enjoyment, and the Plaza every comfort and luxury.

It is delightfully located opposite Central Park, assuring peace and quiet. Summer Terrace Restaurant.

The coolest Hotel in New York. Convenient to theatres, shopping district and nearby coast resorts.

Special Rates during the Summer Season

FRED STERRY Managing Director

CURRY'S HEADACHE POWDERS

A CURRY'S HEADACHE POWDER, A GLASS OF WATER, AND TWO MINUTES AWAY

CURE HEADACHES

5 POWDERS—5 DOSES—5 CURES—10 CENTS

FOR SALE BY ALL DRUGGISTS MANUFACTURED BY

CURRY-ARRINGTON CO., ROME, GA.

RUTHERFORD LIPSCOMB HOWARD PATTILLO

Lipscomb-Pattillo Fire Insurance Agency

GENERAL INSURANCE

504-8 Atlanta Nat'l Bank Bldg. PHONES Bell 172-M Bell 114-M Atlanta 114

SEMI-ANNUAL STATEMENT for the Six Months Ending June 30, 1913, of the condition of the

CAMDEN FIRE INSURANCE ASSOCIATION

OF CAMDEN, N. J.,

organized under the laws of the State of New Jersey, made to the Governor of the State of Georgia, in pursuance of the laws of said State.

I. CAPITAL STOCK.

1. Whole amount of Capital Stock	$ 600,000.00
2. Amount paid up in cash	$ 600,000.00

II. ASSETS.

Total Assets of the Company, actual cash market value	$ 2,000,023.86

III. LIABILITIES.

11. Total Liabilities	$ 2,000,023.86

IV. INCOME DURING THE FIRST SIX MONTHS OF THE YEAR 1913.

4. Total income actually received during the first six months in cash	$ 729,759.26

V. EXPENDITURES DURING THE FIRST SIX MONTHS OF THE YEAR 1913.

Total Expenditures during the first six months of the year in cash	$ 768,899.49

A copy of the Act of Incorporation, duly certified, is of file in the office of the Insurance Commissioner.

STATE OF NEW JERSEY, County of Camden—

Personally appeared before the undersigned J. N. Sharp, who, being duly sworn, deposes and says that he is the Secretary of the Camden Fire Insurance Association, and that the foregoing statement is correct and true.

J. N. SHARP.

Sworn to and subscribed before me, this 8th day of July, 1913.

MILLWOOD TRUSCOTT, Notary Public.

Name of State Agent, DANIEL MANNIX

Name of Agents at Atlanta, LIPSCOMB & ...

SEMI-ANNUAL STATEMENT for the six months ending June 30, 1913, of the condition of the

Aetna Fire Insurance Co.

Of Hartford, Conn.,

organized under the laws of the State of Connecticut, made to the Governor of the State of Georgia, in pursuance of the laws of said State.

Principal office, Hartford, Conn.

I. CAPITAL STOCK.

Whole amount of capital, stock	$4,000,000.00
Amount paid up in cash	$ 1,000,000.00

II. ASSETS.

Total assets of the company, actual cash market value	$22,658,521.06

III. LIABILITIES.

Total liabilities, including cash capital and surplus	$22,658,521.06

IV. INCOME DURING THE FIRST SIX MONTHS OF THE YEAR 1913.

Total income actually received during the first six months in cash	$ 5,439,368.78

V. EXPENDITURES DURING THE FIRST SIX MONTHS OF THE YEAR 1913.

Total expenditures during the first six months of the year in cash	$ 5,051,001.82
Greatest amount insured in any one risk	$50,000.00
Total amount of insurance outstanding	$1,237,000,187.00

A copy of the Act of Incorporation, duly certified, is of file in the office of the Insurance Commissioner.

STATE OF CONNECTICUT, County of Hartford—

Personally appeared before the undersigned, Wm. B. Clark, who, being duly sworn, deposes and says that he is the President of Aetna Insurance Company, and that the foregoing statement is correct and true.

WM. B. CLARK, President.

Sworn to and subscribed before me this 12th day of August, 1913.

J. R. PHILLIPS,

Notary Public in and for the County of Hartford and State of Connecticut.

Name of State Agent—CLARENCE J. BRIDGES

Name of Agents at Atlanta—LIPSCOMB & ...

OFFICE PREPARED FOR NEW TAX COMMISSIONER

Over at the capital preparations for a permanent office for Judge John H. Hart, the newly-appointed state tax commissioner, are being made. Old tax dockets of many years past are being removed from the large room opposite the office of Comptroller General William A. Wright, and this room when put in condition, will be the suite of Judge Hart.

ATLANTA WOMEN EXHIBIT PRACTICALLY ASSURED

Movement Receives Warm Support at Meeting and Dinner Held Monday

...

Dr. W. M. Dunn Narrowly Escapes Death When Car Hits His Machine

Chamberlin-Johnson-DuBose Co.

ATLANTA NEW YORK PARIS

The August Outclearing of Laces

Gets Under Way At 9 o'Clock Tomorrow

Valenciennes, Linen, Shadow and Venise Laces—huge quantities at huge reductions.

The August outclearing of laces at Chamberlin-Johnson-DuBose Co's. has come to mean for many the time to purchase those dozens and dozens of yards of laces that a woman needs as a new season approaches.

Perhaps at no other time are laces marked at such saving prices. This, because we are discarding one pattern and another, clearing out all odd surpluses, making ready for the new stocks, in short, starting afresh with the new season.

So, in light of the prices below and the fact that there are new dresses and underwear to be made and (not to be overlooked) that the Christmas sewing will doubtless be under way a long while before another such lace sale is announced take the profit of this sale as your own.

Here—

Valenciennes Laces

79c a dozen They were $1.35 to $2.25 doz.

39c a dozen They were 85c to $1.35 doz.

15c a dozen They were 50c to 85c a doz.

These will be sold only by the dozen yards. Edges and insertions, some of them in match sets—hundreds of dozens.

Shadow Laces

79c a yd. They were $1 to $2 yd.; 39c a yd. They were 85c to $1 yd.; 15c a yd. They were 50c to 85c

A splendid variety of these in widths from 3 inches to 9 inches, cream and white edges and insertions; dainty patterns.

Linen Laces

30c to 40c a yd. They were 50c to $1 yd.

5c to 15c a yd. They were 30c to 40c a yd.

Included are edges and insertions of Cluny, Torchon and Smyrna Laces—and they are *all* linen, sturdy and true, the kinds that make many successful round trips to the laundry.

And gathered into the sale is an odd and comparatively small lot of Venise edges and bands. The price tickets show they were worth up to 35c a yard. Now they are 8c a yard.

A Little Notice of Big Savings In the Wash Goods Department

This is the smallest advertisement that we have published this season on wash fabrics, and it tells of the greatest savings, as those who heed it shall learn. The blue pencil man has gathered together all the oddments of wash fabrics for a quick disposal—we say quick because there are 22c and 29c white checked and striped voiles at 9c a yard, 25c piques at 9c, 45c silk and cotton marquisettes at 11c, 25c white repps at 12½c; again, 29c voiles at 15c, and 65c Swisses at 15c, and other values, very much greater, that we would rather you see in the store than in an advertisement. They would seem incredible here. No, they are not perfectly fresh, they have been handled; the shades are not always the best; but it has been many a day since you were offered such values.

Agents for Butterick Patterns and Publications

Chamberlin-Johnson-DuBose Co.

TWO MEN SAW MARY PHAGAN ALIVE AT 12:05

State's Witnesses Saw Girl On Forsyth Viaduct Shortly After Noon Day of Tragedy

M. E. McCoy, a Painter, Saw Girl Who Was Afterwards Slain, Pass the Cooledge Paint Store at 12:03—He Remembers Time for He Looked at Watch at Noon. George Kendley, Motorman, Saw Her at Forsyth and Alabama at 12:05

Court adjourned at 5:50 o'clock last night Wednesday.

Two of the state's rebuttal witnesses in the Frank trial, put on the stand late Tuesday afternoon, swore that they knew Mary Phagan and had seen her on Forsyth street shortly after 12 o'clock, April 26, waiting toward the pencil factory.

Those witnesses were M. E. McCoy, a painter and farmer, and George Kendley, a motorman on the College Park line. Their testimony was intended to discredit the evidence given by Motorman Matthews and Conductor Hollis, of the English avenue line, who swore that Mary Phagan came on their car the day of the murder and that she left the car at the corner of Broad and Hunter streets.

McCoy said he was standing in front of Cooledge's paint store, 13 North Forsyth street, about noon of April 26 while there he saw Mary Phagan pass. Kendley testified that he was at the corner of Alabama and Forsyth streets about 12 05 and saw the little girl pass that point.

Attorney Arnold subjected Kendley to a most terrific cross-examination asking him among other question, if he had not talked so constantly of his belief in Frank's guilt that he and made himself a general nuisance to passengers on his car, and if he had not said he would help to hang the defendant. Kendley was badly rattled before Mr Rosser allowed him to leave the stand.

J. H. Hendricks, a motorman on the Marietta Street-Stockyards line prior to April 26, and J. C. McEwen, a motorman on the Marietta Street-White City line, swore that the car of Matthews and Hollis frequently came on the car at Marietta street and Hunter street.

Dr. Clarence Johnson, a stomach specialist, was on the stand when court adjourned.

Replying to a request from Solicitor Dorsey for a ruling Judge Roan held that the state might introduce witnesses to testify to Frank's character, but the state could not show by these witnesses specific instances of misconduct on the part of the defendant. This, said the court, could only be brought out by the defense.

Solicitor Dorsey's statement, which brought the ruling from the court, was as follows "The state wants to prove and is in a position to prove, general bad character on the part of Frank, and we want also to prove specific instances of misconduct. We want to show by this witness (Miss Nellie Wood, a former employe of the pencil factory), that he made an indecent proposal to her in his office."

Just how said under what conditions the city detectives obtained an affidavit from Minola McKnight, the negro cook at the Frank-Selig home, at East Georgia avenue, was fully explained by E. H. Pickett, an employe of the Beck & Gregg Hardware Co., who questioned the woman at police headquarters for three hours prior to her making her sworn statement.

Mr. Pickett testified that the negress at first denied everything. Left that she later related all that was written into the affidavit. Attorney Hooper objected to Solicitor Dorsey questioning the witness concerning the contents of the affidavit, declaring the document itself was the best evidence.

Thereupon Solicitor Dorsey took Mr. Rosser at his word and offered the affidavit in evidence. Mr. Rosser objected and after some argument Judge Roan ruled that he would admit those portion of the affidavit which were material and relevant.

Beside the affidavit piecemeal, Solicitor Dorsey said he would bring out the contents of the document by questions to the witness. He developed that Minola McKnight had really sworn that Frank did not eat dinner at the office on the day of the murder, that he only remained there a very few minutes, that her husband, Albert McKnight, was present while Frank was at home, that Frank's parents-in-law had requested her not to tell what she had to say, that they raised her wages, and that Mrs. Frank had given her a hat.

To offset the attacks made by Dr. Willis Westmoreland and other Atlanta physicians, members of the board of health, Mr. F. P. Harris, secretary of the state board of health, whose conclusions, based upon the post-mortem which he had performed upon Mary Phagan's body, had been described by the physicians introduced by the defense as "wild guesses," Solicitor Dorsey called Dr. Samuel C. Benedict, dean of the school of pharmacy of the University of Georgia and president of the state board of health, to testify on behalf of the state.

Dr. Benedict testified that he had succeeded Dr. Westmoreland as president of the state board of health, that the board had been shaken by a unanimous vote had sustained Dr. Harris against the charges of scientific dishonesty brought against him by Dr. Westmoreland.

The minutes of the state board were offered as evidence by the solicitor and vigorous objection was made to their introduction by Attorney Arnold for the defense. When Judge Roan admitted the minutes Mr. Arnold announced that he would offer a letter written by Dr. Benedict to Dr. Westmoreland. He sent out for the letter.

Roy Craven, an employe of the Beck & Gregg Hardware Co., under whose bed Albert McKnight, husband of Minola McKnight, the negro cook at the Frank-Selig home, works, testified that he and a Mr. Pickett had gone to see the negro woman at the request of Albert McKnight, that he later went to the solicitor's office to see her, and that the solicitor referred him to Detectives Starnes and Campbell, stating the woman had been hysterical when at his office and would not talk.

Craven said he was present when Minola McKnight gave her affidavit to the detectives, and that others present were Detectives Starnes and Campbell, Hermann Lebovitz, George Febuary and George Gordon, attorney for the negroes. The witness, upon cross-examination by Mr. Rosser, admitted that he did not request the detectives to release the woman.

Solicitor Dorsey stated as court convened Thursday afternoon that some of the state's witnesses were out of town temporarily and that therefore, he would ask the state's case be put off for a few minutes. Dr. Benedict, of Atlanta, president of the state board of health, then took the stand.

Dr. Benedict was sworn. He is dean of the school of pharmacy of the University of Georgia at Athens. He testified that he has been connected with the university six years, that he was chosen as head of the state board after the resignation of Dr. W. J. Westmoreland, of Atlanta.

Were you present Dr. Benedict when Minola McKnight gave her affidavit Dr. Harris?" asked the solicitor.

Attorney Arnold objected. He said that it would be a most unusual feature into the case which would only serve to confuse the real issue. He argued that it was not to rebuttal testimony as the defense merely had asked Dr. Westmoreland to testify to his belief in Frank's guilt.

Solicitor Dorsey wanted to show, he said, that the state board did not find Dr. Harris guilty of scientific dishonesty," as asserted by Dr. Westmoreland.

NOT REVELATION IMPERTIAL

Attorney Arnold said that this confirmed his idea a thing for cross-examination and possibly evidence, examination but not for rebuttal. If this witness is allowed to testify it would be proper for him to ask him about a letter he wrote to Dr. Westmoreland," said Mr Arnold.

"Do what and what is not proper I'll ask the solicitor. "We are not going to let such a statement as Dr. Westmoreland made, go unchallenged."

The solicitor directed the witness attention to the minute book of the state board of health and directed him to turn to the page containing the minutes of the meeting held September 25, 1913, when Dr. Harris was absolved of the charge against him.

Judge Roan ruled the witness could refresh his memory from the past relations of the two men, inasmuch as their relations at that time were the same as now.

There followed some argument.

By Deneffel: "I have no desire to run down the matter."

Mr. Arnold, Attorney Arnold, "Why know you haven't desire. It's our fighting Dorsey."

Solicitor Dorsey: "Yes, sir. I open it up. I take all the responsibility for it."

The solicitor then put the witness, "I want to know if Dr. Westmoreland's charges were sustained by the board."

Attorney Arnold objected and said he was absent at the meeting were held.

Solicitor Dorsey then instructed the witness to look through the minutes of the meeting and see if he could find a copy of the charges against Dr. Harris. The witness was unable to find them. Judge Roan, then sustained the objection of the defense.

"How was the vote of the board, doctor retaining Dr. Harris?"

"It was unanimous," said the witness. "Are there no other the charges?" asked Attorney Arnold.

"They probably are on record in the office of the board of health."

CHARGES NOT ON MINUTES.

"Dr. Harris never satisfied the charges in the minutes of the board, did he?" asked.

"He entered his own defense, though, didn't he?"

"Only charges were not the action of the board. On page 176 is the reply of the board. Neither Dr. Westmoreland's charges nor the reply of Dr. Harris are shown on the minutes."

Attorney Arnold and Rosser then examined the book containing the state board minutes. Solicitor Dorsey, resumed with the question.

"You are acquainted with Dr. Harris' general reputation as a physician are you not?"

Before Dr. Benedict could answer there were objections from the defense and the question was withdrawn.

"What conditions have the affairs of the board been in since Dr. Westmoreland resigned?"

The defense objected, and was sustained by Judge Roan.

Solicitor Dorsey this juncture came down from the stand a few moments to await the arrival of a letter which Mr. Arnold said he was expecting in evidence as soon as he could get it to the court.

Attorney Arnold looked at certain portions of the state board minutes which had been read by Solicitor Dorsey, and objected to the minutes being "indexed or abstracted" and further to the minutes being tendered at all.

Solicitor Dorsey replied by saying, "Your honor, we asked Dr. Westmoreland what feeling he had against Dr. Harris, and he said he had none. We are entitled to show in any proper way if we can that he has feeling against Dr. Harris. Now, that's one proposition.

"As to the probity value of these minutes, that is a question for the jury to decide."

Attorney Arnold said that the minutes, could show only that Dr. Westmoreland preferred charges against Dr. Harris and then had resigned when the board declined to dismiss Dr. Harris.

He said that Dr. Westmoreland already had stated this same thing himself, and that the minutes of the board were not admissible because they would bring up other issue into the case.

Judge Roan admitted the minutes, and Solicitor Dorsey then read from that portion of the minutes bearing directly on the controversy between Dr. Westmoreland and Dr. Harris. The portion that he read showed that Dr. Harris was released by the board and that Dr. Westmoreland thereupon tendered his resignation, which was accepted.

HOT CRAVEN CALLED.

Roy Craven, of Kirkwood, an employe of the Beck & Gregg Hardware Co., was called to the stand. He stated that Albert McKnight, the husband of Minola, was working under him and that at Albert's request he went to police station one day to get her out. The witness stated he asked him if he ever had seen Minola McKnight drink any whisky. He testified he was present when Detectives Starnes and Campbell came to his home with a warrant for Minola McKnight, and that he went to her house with them. He said that the police officer tried to get into the room at the apartment that the two men had not talked to him a the detectives before they made that trip, but it was ruled out. The witness returned to the scene at police headquarters.

"What did Minola my there?" asked the solicitor.

The witness repeated the substance of the affidavit signed by Minola McKnight and introduced in evidence. The witness said at first the negress hesitated about making the statement, but finally told everything which was in the affidavit as said. Present when the affidavit was made were Detectives Starnes, C. W. Fahnen, Albert McKnight, colored, and Attorney George Gordon.

Attorney Rosser took up the cross-examination.

"Didn't you know she was locked up there because she wouldn't tell the story they wanted her to tell?" he asked.

"No."

"Were you in Dorsey's office?"

WENT TO SEE DORSEY.

"Yes. I went there to see about getting Minola out of the jail."

"What did he say to you?"

"He told me to go and see Starnes and Campbell."

"Didn't you know that she had already made a statement?"

"No."

"Didn't Mr. Dorsey tell you?"

"No, he said she was hysterical and would not talk."

"Did you insist on her making a statement at police station?"

"Yes."

"Didn't she tell you she didn't know anything?"

"Yes."

"Why, then, did you keep on?"

"Because I wanted to see some other or her husband was telling the truth."

"Weren't you there three hours?"

"Yes, I was there over two."

"You say you want there to get Minola out?"

"Yes."

"Did you ask Starnes and Campbell to turn her out?"

"No."

"Well, whom did you ask to turn her out?"

"Nobody."

"Did you leave right after she made this statement?"

"Yes."

"Come down?"

Solicitor Dorsey detained the witness.

NO OATH AMOUNG NEGRESS.

"Did anybody curse or abuse the negress?"

"No. The witness left the stand.

Solicitor Dorsey rendered in evidence the affidavit by Minola McKnight. Attorney Rosser objected to the affidavit argued, declaring that it was the very best evidence of what she said and a most flat contradiction of what she swore in court. The solicitor did not press his contention however, but dropped the matter temporarily and called R. F. Pickett to the stand.

Pickett is an employee of the Beck & Gregg Hardware Company. As soon as he took the stand, Solicitor Dorsey handed to him the affidavit, and the witness read it. Pickett then testified that he was present when Minola made the affidavit at police headquarters.

"What did she say when Attorney Gordon was there?" asked the solicitor.

Mr. Rosser made this statement

"Tell the jury, just exactly as well as you can what she said before she signed that paper."

DENIED ALL AT FIRST.

"Well, at first she denied everything. She was a little hysterical and did not want to talk to the detectives. She cried and she talked to us, though. She then acknowledged a few things. She said that she had received more money than was her ordinary wage, and that she had been cautioned to say nothing about what she had heard. She never admitted that she had lied to the police until she went to make her statement."

"Did she say after the detectives left?"

"First, she said the whole thing was a lie." The witness testified that first an attempt was made to take her statement long hand, but that Sergeant February later was called in and took it in shorthand. The witness said that she did not make all of the disclosures until she was ready to make this last statement.

"Does this affidavit contain anything that she did not say?"

"Not a thing."

Solicitor Dorsey started to ask the witness certain questions about what she said. The defense objected on the ground that the affidavit was the best evidence of that. Solicitor Dorsey argued that that was his contention, that the affidavit was not let in as evidence. There followed considerable argument, during which Judge Roan said he was inclined not to rule against the admission of the entire affidavit and said that he would let in what is in the document go into the records after striking out that portion of it which might be irrelevant or immaterial. There followed some more argument.

AFFIDAVIT MADE DARKIES.

Judge Roan finally ruled that he would admit the affidavit minus such portions of it as might be irrelevant. Solicitor Dorsey said that rather than make any chance in the affidavit just at that time to conform to the ruling of the court he would prove what he wanted in questioning the witness, and he proceeded as follows:

"What did she first say as to Mr. Frank eating dinner?"

"She said that he ate dinner when he came home Saturday."

"What did she say about Mrs. Frank?"

"She finally said he did not eat dinner."

"What did she first say as to the time he remained at home?"

"She said that he was there quite a while."

"What did she finally say?"

"She finally said that he was there only a few minutes."

"What did she first say as to her husband being at the Selig residence when the family was eating dinner?"

"She first said he was not there."

"What did she finally say?"

"She finally said he was there."

FRANK'S CONVERSATION SUNDAY

"What did she first say as to the conversation that took place between the Seligs and Mr. Frank during dinner on Sunday?"

"She first said that she heard nothing that did not concern her work."

"She finally mentioned hearing it, but I don't recall the words that she said." The witness said that she was at the Selig residence at the request of her husband.

To this question Attorney Rosser objected on the ground that Frank could not be held responsible for what the Seligs did or did not say in Minola McKnight.

Solicitor Dorsey in reply contended that the affidavit was being introduced in contradiction when Minola McKnight swore on the stand.

Judge Roan asked the solicitor to repeat the question, which he did, and the witness answered that the negro woman said that she did not see and anything of the kind to see.

Attorney Rosser objected again and the ground that the state could not contradict testimony which had been immaterial in the first instance.

Attorney Hooper argued emphatically that the state could not impeach its witness put on the stand by the defense.

After a long needy argument, Judge Roan ruled in favor of the state, and Attorney Arnold recorded an objection.

Solicitor Dorsey continued.

"What did she finally say as to the Seligs having cautioned her not to talk?"

"She finally said that when she left the house, they told her to be careful what she said—the words to that effect."

"What did she first say as to the ways she was being paid?"

"She first said there had been no change her wages."

"What did she finally say?"

"She said she had been raised."

"She finally said that her wages had been raised, but I cannot repeat the amounts she mentioned."

"What did she first say?"

"She said she had given her."

"The only thing she said about the hat was that she said in the affidavit."

"Did anyone mention the hat to her until she mentioned it herself?"

"No, sir."

"Did anyone threaten her?"

"I want to be understood. We asked her some questions."

"Were Campbell and Starnes in there when you questioned her?"

"They were not."

"When did they come into the room?"

"They came in after I left."

"Who was there before they came in?"

"Her husband, Mr. Craven, and myself."

The cross-examination was then taken up by Attorney Rosser.

"Why didn't you take the denial of the woman, to her husband's story?" demanded Mr. Rosser.

"Because we didn't believe it."

"Well, don't you think what you put her through was a pretty good imitation of the third degree?"

The solicitor objected, and the question was not answered.

A THREE-HOUR GRILLING.

The witness said he had been questioning the woman for three hours. He admit he was going to hypnotize her, he saw the solicitor, and that Mr. Dorsey told them they could go and see her and talk to her. Mr. Dorsey had agreed for them to stand her bond.

"Didn't you make the third grill hot?"

"We wanted to find out the truth."

"Just the minute her statement exhibited a leaning toward Frank you put her she could depart in peace, didn't you?"

"No, we called in the detectives and they took her away from us."

Mr. Rosser, in questioning the witnesses about the way he let the detectives take the woman, got off some he (Rosser) terms some of his "mighty good motions." When the witness declared that he did not let them into direct and the witness corrected by the attorney, Mr. Rosser said: "Well, I mean you let 'em in just about like I said it except you didn't take any of those monkey motions. Nobody but me can get them off."

The witness agreed with Mr. Rosser. In answer to a question, the witness admitted that before he went to headquarters, he had information that Minola was being beaten and that he could not make a statement to agree with the statement made by Albert McKnight. The witness was excused.

ALBERT MCKNIGHT ON STAND.

Albert McKnight, colored, husband of Minola, was called to the stand. He was sworn and Solicitor Dorsey stated that he sat at the left of the witness door at the time he claims to have overheard conversation in the negro woman's room. He said the negro stated that the statehood on the plat exhibited to him and introduced in evidence previously by the defense was in a different position from the one it occupied that day. On cross-examination, however, the negro admitted that he was a negro of the strongest type of the plat which had been changed and not the position.

Judge Roan ruled out a number of questions which Mr. Hooper sought to put in the negro, on the ground that it would be repetition of the negro's first testimony.

The court took a five-minute recess.

Miss Nellie Wood, a former employe of the pencil factory, was called as the next witness. A long legal battle followed over her testimony. The argument was that both the jury and the court had been ordered to retire.

The witness came to the stand while the jury was out, by agreement of the attorneys, and the jury was not brought back until they had threshed out the question of whether or not she would be able to testify from the witness stand on the part of Frank.

Solicitor Dorsey outlined to the court what he expected to prove by the witness, first suggesting that Mrs. Rae Frank, mother of the accused, leave the court. Mrs. Leo M. Frank was not in court at the beginning.

STATE ATTACKS FRANK'S CHARACTER.

Addressing the court, he said: "The state wants to prove and is in a position to prove general bad character on the part of Frank, and we want also to prove specific instances of misconduct. We want to show by this witness that he made an indecent proposal to her in his office. I contend we have the right to bring it out on direct examination. The defendant has put his good character on direct examination. It is admissible in rebuttal of numerous witnesses."

Attorney Rosser said: "We asked some questions of many witnesses to refute the statement of Conley, whose evidence we did not attack. We now object. What the solicitor wants to introduce is not in rebuttal to anything."

Solicitor Dorsey said: "It's got nothing whatever to do with Conley's testimony. It relates to testimony of the girls who testified here that they worked on the fourth floor and that they never saw anyone in Frank's office for immoral purposes." He turned to Miss Wood. "Which did you work on when Saturday you were there, Miss Wood?"

"I don't remember very well. I only worked there only two days. It was the fourth floor, though, I think."

SOLICITOR CITES RECORD.

The solicitor read a question put to Mrs. Small by the defense, which had introduced her as one of its witnesses, asking here if she ever had had any trouble in office with Frank. He said it was the same question which had been put to Miss Wood, who testified on the fourth floor.

"Now, your honor," said the solicitor, "if the defense has the right to show by its witnesses that they never were in Frank's office, and that Frank's character is good, they will have the right to prove by witnesses that he was in his office and that he made an indecent proposal to her? The state is bound to contradict, if they are allowed to put witnesses on to prove that we cannot contradict."

Judge Roan said: "I understand it, their evidence (of the defense) came in response to certain questions put to them over their objection, and testimony which I think had they objected to it at the time, I would have ruled they were compelled under the law to reply on."

"In my mind, the testimony of this witness is not admissible."

Solicitor Dorsey exclaimed: "Then I'm shut out——"

"It's the law, Mr. Dorsey," interrupted Judge Roan.

"Now, before we bring the jury in, I want you to decide all of this," said the solicitor. "These gentlemen want it all put before the court. I have other witnesses who will follow this young woman. I want to show the character of her conduct. Haven't I the right to show, by a certain girl who once worked for the Mathews Candy company, the position in which she saw Frank come, for example? Haven't we a right to show what this man did going through the factory, in the way of slapping and pinching girls?"

MUST ASK USUAL QUESTIONS.

"No," said Judge Roan, "you must up to show bad character," said Judge Roan, "the defense can go into it on cross examination. You will have to ask the usual questions. The law is written plain and it binds us alike."

The jury was brought in.

"Are you acquainted with the general character of Leo M. Frank?" asked the solicitor of Miss Wood.

"Yes, sir."

The solicitor looked somewhat surprised.

"General character is made up of what people say about a man—that his his reputation in the community he lives in. Now from that explanation do you feel you can identify the time whether or not you know his general character?"

"Not positively," answered the witness.

The solicitor then propounded his question, to which the witness replied that she had known Frank only two days.

DORSEY SAYS YOU WAS MISLED.

Thereupon Solicitor Dorsey informed the court that he had been misled by the witness. Attorney Rosser objected to his making that statement. Solicitor undertook to ask the witness some questions, but Attorney Rosser objected again. The Judge ruled that inasmuch as the witness had testified to nothing at all, she had failed to qualify, and inasmuch as she had testified to something contrary to what had been informed the solicitor in a previous conversation, he was justified, under the law, would have the right to cross-examine her in an effort to impeach her testimony.

Accordingly, Miss Wood was excused from the witness stand.

J. H. Hendricks was called by the state. He testified that a street car motorman since November 15, 1912, that he was testified that he is now running on the Marietta street line. He said that the Marietta line, and that on April 26 he was operating on Marietta-Stockyard line. He testified that the car on which Mary Phagan came to town to go to school. He said that the car on Marietta streets at 12:05 o'clock. The witness said that he was asked certain leading questions by the attorneys for the defense, and that Phagan to town on April 26, to the effect that they never got to town ahead of time.

Mr. Rosser: "Do you know Mr. McEwen, the motorman, was the next witness. He testified that prior to April 26 the White City trolley car ran at Broad and Marietta at 12:00 when was cut off by the English avenue car due there at 12:07. He made the statement over objection of the attorneys for the defense. Judge Roan allowing the testimony. He testified that cars frequently are ahead of time, and that in reaching a terminus point especially on the relief trip.

On cross-examination he admitted that premature arrival at terminals is against the rules, and that he and other street car men tried not to come in ahead of time. He also admitted that he was acquainted with Hollis, the White City car to be cut off by the English avenue car, the former might be ahead of time.

SAW MARY PHAGAN ON FORSYTH.

M. E. McCoy, a painter, was next sworn. He described himself as a painter and farmer living near Bolton, Ga. When he is painter he said he works for the Leo Marcus Construction company. He declared that he knew Mary Phagan; that he saw her on April 26, 1913, about 12 o'clock, in front of the Cooledge store on Forsyth street, and that she was walking toward Alabama street. Asked to be more definite about the time, he said, "I left the corner of Walton and Forsyth streets at about and I took out my watch one or four minutes to get where I saw her."

Mr. Rosser cross-examined the witness.

"How did you know what time you left the corner?"

"I looked at my watch." he said.

"Why?"

"I just wanted to know the time."

"The little girl left her home at 11:45 o'clock. How could you get getting to the point where you say you saw a girl at 12 o'clock?"

"I don't know anything about what she did. I know I saw her."

"When did you first tell about this?"

"I told Mr. Robinson and Mr. Heard, county policemen, a week ago last Saturday."

"Then was the first time you told about it?"

"It was the first time I'd told an officer."

"Wasn't it the first time you'd told anybody?"

"I don't remember."

"Why didn't you tell about it at first?"

"Because I didn't think it amounted to anything."

"Why did you tell the officers then?"

"I thought the statement that you got off at Bond and Hunter, and I knew that was wrong."

"Didn't you know something now?"

"With the Leo Marcus Construction Co."

"Did you look on your watch at noon the day before the 26th?"

"Yes."

"And the day before that?"

"Yes."

"Well, what time is it now?"

The witness looked for his watch and Mr. Rosser continued: "The witness declared he couldn't tell without looking at his watch."

"What time was it when you last looked at your watch?"

"I don't remember."

DESCRIBING GIRL'S DRESS.

"How was Mary Phagan dressed?"

"In blue."

"Describe her."

"She was a low chunky girl."

"Did she have very light hair?"

"Yes."

"I see," said Mr. Rosser: "It was pretty dark outside."

"No, it was between."

"Had some color upon?"

"I don't know."

"What sort of hat?"

"Blue."

"How was it trimmed?"

"Just plain."

"Did you see by the paper that she had a blue hat?"

"I don't remember. I don't think I did."

"What were you doing on the corner that day?"

"Just passing that day and had come in from Buckhead on the 11:40 car and stopped at the corner."

"What were you doing there?"

"Talking to some man."

"Who was that?"

"I don't remember."

"Was it on the car coming in?"

"I don't remember anybody that I know."

ANOTHER WITNESS SAW GIRL.

George Kendley, a street car motorman, was the next witness. He testified that he had been employed by the company for twelve years. He said he saw Mary Phagan on April 26 at about noon he she stepped from the Forsyth street viaduct going toward the pencil factory.

Attorney Rosser cross-examined the witness, going after him hard. The attorney made a greater effort to discount Kendley than he had exerted toward any other witness during the day.

On direct examination, the witness testified that he was on the Hapeville line, and had been running on the corner of Forsyth and Alabama, the terminal of the line, a few moments after the Phagan girl. He gave at 11:40 o'clock. He testified that he rode down to Mitchell street, and then returned to Alabama and Forsyth. He reached there about 12 o'clock, he said, on his first trip. "That'll make 20 to 25 minutes," said he. "Some pathologists are fools."

Attorney Rosser persisted in his questions. "That'll make 20 to 25 minutes," said he. "Some pathologists are fools. I suspect; and some other specialists too, though I don't mean to be rude to anybody in particular. It wasn't your honor to interrupt the proposition that one class of physicians knows more than another class."

Solicitor Dorsey reported that was a question for the jury to decide, and he sustained, and excepted.

"What is a physiologist?" he repeated.

"A physiologist is one who studies the body in health."

"What is the essential difference between a physiologist and a pathologist?"

"A physiologist deals with living human body, and a pathologist with dead body as compared to living normal body."

ROSSER RULES WITH STATE.

In reply to questions, Dr. Johnson stated that he had held the chair of pathology, the chair of physiology, and later the chair dealing especially with stomach and digestive diseases, at the Atlanta College of Physicians and Surgeons. He said he was neither a pathologist there, and Dr. Hancock was the physiologist who had testified. He said the stomach diseases chair at Atlanta "college a few years ago.

In answer to a question, the witness said that formaldehyde often is used by pathologists as an antiseptic, which is present specimens of body.

"Would death change the condition of the stomach? If normal body had been put in?"

Mr. Arnold objected, saying that the solicitor should have made out a medical case at first; that the defense simply had rebutted that statement of Dr Harris and had gone no further, so that for that reason the solicitor had the right to go into it.

Judge Roan said: "I understand the rule to be that the state must make out its main case, but if the defense attempting the alibi case brings in anything more than the state's witnesses testified to, then the state has a right to rebut."

Mr. Arnold declared that nothing was had been brought out.

Solicitor Dorsey said: "We made only a prima facie case, and now we have a right to build to that."

The solicitor put the following question to the witness: "If a person drank a chocolate milk at 8 o'clock, and at 9 o'clock the cabbage, which was bought out of the stomach 45 minutes later and the color was that of cooked cabbage of the specimens introduced by Dr Hancock for the defendant, would you say as to the condition of the person's stomach?"

"I would term it abnormal," said Johnson.

Another of the specimens submitted by Dr. Hancock, where a tomato shown with the cabbage was exhibited, in whose stomach cabbage had a tomato not normal.

LIND HYPOTHETICAL QUESTION

The solicitor then put a long hypothetical question to the witness, relative to digestion of a person in a case on trial, and asked if Dr. Johnson could characterize as to what gave the opinion of a physician who, in the cited facts before him, lived an interval between the time the cabbage was eaten and the time the person died. Mr. Arnold objected, and before the court ruled Mr. Dorsey asked "Did Dr. Hancock give an opinion, without the morning before he made

Judge Roan consented to this, and a journal court, the hour being 5:50 o'clock Wednesday morning.

Mr. Arnold stated in court during the discussion of this point, that the case would not be up for Solicitor Dorsey was hallowed by the court the hour he would have to bring back to the stand all of the witnesses he had put off, so as to spare whose testimony it used, in the rebuttal the contention of Mr. Rosser. Harris as to the time of Mary Phagan death after her last meal.

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