COVERS DEAR LIKE THE DEW

VOL. XXXI. NO. 179. ATLANTA, GA., THURSDAY

ARNOLD CHARGES GIGANTIC FRAME-UP TO CONVICT FRANK; HOOPER SAYS CONLEY'S STORY STOOD TEST OF GRILLING

OPENED ARGUMENT FOR RESPECTIVE SIDES

Not Looking for Blood, But Seeking the Murderer of Mary Phagan, Says Hooper

Religious Prejudice Back of Frank's Prosecution, Declares Reuben Arnold

Attorney Frank A. Hooper on left and Attorney Reuben R. Arnold on right. Mr. Hooper for the state made the opening speech in the Frank trial. He spoke two hours and fifteen minutes. Mr. Arnold, for the defense, had spoken but forty minutes when adjourned. He is expected to speak during the greater part of the afternoon session.

FRANK DESCRIBED AS JEKYL AND HYDE BY STATE ATTORNEY

Frank A. Hooper, in Opening Speech for the Prosecution, Declares That Frank Must Have Killed Mary Phagan or Sat Nearby and Permitted a Negro to Attack Her

He Declares Conditions at Factory Were a Terrible Temptation "to a Man With Little Conscience and a Great Lust"—Scores Defense for Not Cross-Examining State's Character Witnesses

IN a eloquent speech, replete with word pictures, sometimes sarcastic, sometimes pathetic, sometimes humorous, but at all times dramatic, Attorney Frank A. Hooper, Thursday morning opened the state's argument for the conviction of Leo M. Frank for the murder of Mary Phagan.

Mr. Hooper began his speech by declaring to the jury that the state was not seeking a verdict of guilty unless the defendant was guilty, and that the state cheerfully assumed the burden of proving him guilty. "This man," said Mr. Hooper, "is not being prosecuted because the law is seeking a victim. We are not looking for blood. We are simply seeking to find and punish the murderer of little Mary Phagan."

Mr. Hooper scored the conditions visiting at the pencil factory, called attention to the fact that after many witnesses had sworn that Frank's character was bad the defense had failed to interrogate them as to why they held to such opinions.

He described the defendant as a Dr. Jekyl and Mr. Hyde—a man who was congenial with two widely different sets of associates. Mr. Hooper declared that Jim Conley had stood like Stone Mountain in the face of the terrific bombardment directed at him by Attorney Roseer in an effort to break him down.

That effort failed, said the speaker, because Conley had, after telling many lies, eventually arrived at the truth.

Perhaps the most dramatic portion of Mr. Hooper's epoch was when he said: "Give the defendant the benefit of every doubt, the circumstances show that he either killed this little girl, or sat there in his office and let the negro kill her and drag her body down the hall to the elevator and take it down to the basement. This murder took place in the metal room and it occurred while Monteen Stover was in Frank's office."

Mr. Hooper reminded the jury that although Frank had sworn that he did not leave his office between 12 and 1 o'clock the Stover girl had gone there during that period and found the office empty.

"I don't believe Frank had murder in his heart when he followed Mary Phagan back into the metal room," said Mr. Hooper, "but he had in his heart the lustful passions stored up for this little girl. He was killing her when Monteen Stover came to the office."

Mr. Hooper touched upon the evidence only in a general way. He left the detailed summing up to solicitor Dorsey who will make the last argument.

At 11:15 o'clock Mr. Hooper concluded his argument, having spoken for two hours and ten minutes. For the next thirty-five minutes he explained the points upon which the state would request the court to charge the jury, giving especially emphasis to what constitutes "reasonable doubt."

At 5:04 o'clock Thursday morning the court convened and immediately afterward the argument started. Attorney Frank Hooper opening for the state.

The lawyers had brought to court with them numerous law books, for reference and citation during the course of their speeches.

Deputy Sheriff Plennie Minor addressed the court and admonished it to preserve absolute order. The court instructed the audience that whether the attorneys strove at wit or not, it was not laugh.

The rule regarding the witnesses having left the room, all of those who had testimony had gone into the records were present in court to hear the argument.

HOOPER OPENS FOR STATE.

Attorney Hooper stepped to the front of the jury box and facing the jurors began his argument.

Mr. Hooper began speaking slowly and in a natural tone.

"Your honor, and you, gentlemen of

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SPEER CHARGES TO BE CONSIDERED BY GEORGIA'S SOLONS

With Impeachment Threatening Georgia Judge, His State Congressmen Confer in Regard to Probable Action

GEORGIAN TO TAKE FIRST IMPEACHMENT STEPS

Final Action by Delegation Will Be Deferred Owing to Illness of Congressmen Bartlett and Edwards

BY RALPH SMITH.

WASHINGTON, D. C., Aug. 21.—The next important step in the case of United States Judge Emory Speer, of the south Georgia district, whose impeachment is threatened by congress, will be a conference of the Georgia congressional delegation to determine upon a course of action with reference to the charges that have been preferred against the jurist. This conference will be held probably tomorrow morning, unless the illness of Congressman Bartlett and the absence from the city of Congressman Edwards prevents.

Judge Bartlett is confined to his apartments with a severe cold, and Mr. Edwards is in Georgia at the bedside of a very sick brother. In view of the special interest those congressmen feel in the case by reason of the fact that their districts are under the jurisdiction of Speer, it is possible that final action by the delegation will be deferred until it is possible for them to be present.

Chairman Henry D. Clayton, of the judiciary committee, which has the papers in the Speer case, this morning conferred with a Georgia member about the matter. He agreed that any Georgia congressman or committe from the delegation, should be given free access to all of the papers so that the delegation may act intelligently in reaching a decision as to its final course. The initial step looking to the impeachment of Judge Speer will come from a Georgia congressman, if it is determined that the charges warrant such actions.

While all of the members of the delegation will approach the case with an open mind, it is believed, from what is known of the charges, that a member of the delegation will be selected to make the formal motion in the house for the impeachment of the Georgia jurist. This motion will be accompanied by a resolution directing the judiciary committee to proceed with its investigation also report to the house, whether in its opinion the charges justify an impeachment trial before the United States senate.

The investigation before the judiciary committee will be open to the public as was the course in the Archbold impeachment.

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SPEER DEMANDS HEARING BEFORE JUDICIARY BODY

BY RALPH SMITH.

WASHINGTON, Aug. 21.—Judge Speer today wired to Congressman Hughes, of the Third district, demanding that he be given a hearing before the judiciary committee on the charges that have been filed with the department of justice. The message came from Macon. Judge Speer will be given an opportunity to be heard, if a motion to impeach is made and prevails in the house.

FIGHT FOR THAW'S FREEDOM POSTPONED TO NEXT WEDNESDAY

Writ of Habeas Corpus Applied for by Thaw's Lawyers Will Be Tried in Canadian Court at That Time

(By Associated Press.)

SHERBROOKE, Quebec, Aug. 21.—Harry K. Thaw, Matteawan fugitive, will be arraigned in the superior court here on a writ of habeas corpus at 10 o'clock Wednesday morning next. His counsel agreed to this this morning.

Lawyers for Thaw, fencing for position in his fight to resist deportation to the United States, won an advantage today by delaying his appearance in the superior court on a writ of habeas corpus.

Dominion immigration officials and officials of Dutchess county, New York, had hoped Thaw would be produced at 10 a. m., discharged on the present defective commitment, and thus allowed to fall into their hands for deportation at a point on the border as yet undecided.

Thaw's lawyers, however, believing in the advantage of delay, declined to serve their writ on the jailer, and Thaw remained in the hospital ward cell, chatting with his brother-in-law, Mr. and Mrs. George Lauder Carnegie, who arrived last night.

Thaw's lawyers, victorious so far in the strange procedure of keeping their client in jail, agreed to announce this afternoon what disposition they purpose to make of their idle writ. If they persist in not serving it, the immigration authorities and District Attorney Conger, of Dutchess county, planned to have the writ declared void and insist on Thaw's arraignment at once.

Mr. and Mrs. Carnegie spent nearly an hour with the prisoner.

"He's looking fine," said Mrs. Carnegie.

SURPRISE TO OFFICIALS.

J. D. Greenshields, of Montreal, on 11th hour addition to the Thaw lawyers, pointed out that the writ was returnable at the pleasure of counsel for Thaw and that it would be best to go over his case more thoroughly before coming into court.

The move came as a surprise to the immigration officials and to District Attorney Conger and Sheriff Hornbeck, of Dutchess county, N. Y. They had expected that Thaw would be arraigned before noon today, released on the present commitment, then held as an undesirable alien and quickly deported. As matters stood this forenoon indications were that this program had miscarried or had put off a day. With Thaw safely in the hands of the immigration

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Battle to Death With Knives After Wednesday Night Prayer Meeting at New Hope Church

One Dead, Three Badly Stabbed in Clash in Moonlight at Church Door.

Four men armed with pocket knives battled in the moonlight outside New Hope church, three miles from Marietta, after prayer meeting there Wednesday night, with the result that one is dead, another fatally wounded, and a third held in the Cobb county jail on the charge of attempt to murder.

The dead man is Bertie Leming, a youth about twenty-one years of age. J. T. McElroy, charged with his death, himself lies in his farm-house home a few miles outside Marietta with five wounds in his body and small chance for recovery.

Fred Harper is the man in jail charged with attempting McElroy's life. His brother, Roy Harper, is badly wounded at his home.

The trouble between the men is said to have started on account of McElroy's daughter. She and her father attended prayer meeting at New Hope Wednesday night. In the congregation were young Leming and the Harper brothers, his friends.

At the conclusion of the evening service McElroy and his daughter passed the Harpers and Leming just outside the church door. It is said that there had been ill feeling between McElroy and the young men for some time on account of the former's daughter, and, according to spectators, when one of the youths said something about the girl as father and daughter passed them, McElroy resented it.

Then, according to McElroy's story, all three of them drew their knives and attacked him. While women and children ran screaming back into the little church the duel in the moonlight raged on. Long before male members of the congregation could separate the combatants, Leming was lying dead on the ground. McElroy had carved his way to freedom only to faint away, and the two Harpers were cut from head to heel.

Officers from Marietta were called to the scene and took Fred Harper into custody. Following an inquest over Leming's body McElroy was charged with his death, but owing to his critical condition he could not be moved to the jail.

Fred Harper's condition was also too dangerous to allow him to be moved, so that Fred Harper, the least injured of the fighters, is the only one in custody.

Doctors say that McElroy is terribly cut, having four wounds in his abdomen, one penetrating the bowel and one small a Spring-Jones fork blade. He is conscious at times, but rapidly growing weaker.

M'KEE WILL QUIT IF CHARGE IS WITHDRAWN

Reported in Washington That Atlanta Postmaster Knows Charges Must Stick

BY RALPH SMITH.

WASHINGTON, Aug. 21.—It was learned unofficially that Hugh L. McKee, whose resignation as postmaster at Atlanta has been requested, is perfectly willing to step down and out if the post-office department will withdraw the charges that have been filed against him and will allow him to serve in the present quarter expiring September 30. It is believed this will not be done and that McKee has been informed that the postoffice department is powerless to withdraw the charges, which are based on an inspection of his office and are now of record.

It is not known how this attitude of the department will be accepted by Mr. McKee, but it is believed probable that his resignation will be submitted in a few days, if indeed it has not been forwarded already from Atlanta. The experience of Harry Stillwell Edwards, postmaster at Macon, may prove Mr. McKee. Edwards declined to resign whereupon the president nominated Custis Nottingham as his successor, and the senate very promptly confirmed Nottingham's nomination.

give his side of the story. He says that he was assaulted by all three of the young men at once.

Leming's body was taken from the blood-stained ground outside the church to the interior, where funeral services will be held.

ATLANTA

MONTGOMERY

SENATE RESOLUTION WOULD PLACE TROOPS IN MEXICO AT ONCE

Penrose Introduces Measure to Require Wilson to Send Armed Force to Protect American Lives and Property

WASHINGTON, Aug. 21.—Senator Penrose introduced today a resolution requiring President Wilson to take the necessary steps to place United States troops in Mexico to protect American lives and property; such a step to be governed by the senate as in no way an unfriendly act toward Mexico.

Senator Penrose introduced also an amendment to the deficiency bill for an appropriation of $38,000,000 to be expended as the president might direct for the protection of lives of Americans in Mexico. He made no effort to secure immediate action upon his resolution and at the suggestion of Senator LaFollette it went over a day under the senate rules.

The amendment for the emergency appropriation, Senator Penrose explained, was similar to a provision in an appropriation act just prior to the Spanish war and he asked that the amendment lie on the table in the senate until the bill comes over from the house.

The administration has asked for $100,000 to take Americans out of Mexico," said Senator Penrose after announcing he would not discuss his resolution.

HAVE RIGHT TO BE THERE.

"I think they have a right to be in Mexico. I think they have a right to be there under our treaties and under international law. We have no right to attempt to break up their homes and occupations. Rather than appropriate this pittance of $100,000 to make this wholesale removal, I would appropriate $50,000,000 to keep them where they are and to protect them."

The Penrose resolution draws attention to the Monroe doctrine and to the possibility that continued destruction of property in Mexico would "involve international complications and intervention by European nations."

The resolution specially declares that "it is not the policy of the government of the United States to recognize or assist any faction or factions in the republic of Mexico," and proposes:

"That the president of the United States be required to take such steps as are necessary to place a sufficient number of United States troops in a neutral zone in the Republic of Mexico, whenever and at such points as in his opinion they may be needed, and to maintain such a neutral zone in Mexico so long as in his opinion the protection of life and property in Mexico shall make it necessary."

NOT ENOUGH FACTS TO WARRANT TRIAL, ASSERTS ATTORNEY

So Declares Reuben R. Arnold in His Opening Remarks to the Jury—He Tells Jury the Noise of a Few Hotheads in the Street Does Not Make Public Opinion

Mr. Arnold Scores Third-Degree Evidence, Quoting From Recent Decision by Court of Appeals and Declaring It Applies to Frank Case—His Speech Interrupted by Recess

WHEN court adjourned for the night Thursday, Attorney Reuben R. Arnold, for the defense, had just finished laying the foundation for his speech to the jury.

A wonderfully persuasive and convincing speaker, Mr. Arnold will perhaps never more effective during his whole brilliant career than in his opening remarks.

He began by picturing the jury as set above and apart from the world, sequestered, guarded, reading papers and hearing nothing of the discussion of the trial, in order that they may impartially weigh the evidence and make up their verdict without bias or prejudice.

Then, turning to address the courtroom rather than the jury, Mr. Arnold excoriated the "long-tongued, loud-talking sap-heads who immediately conclude that a man is guilty the moment the finger of suspicion is directed towards him."

Using George Kendley, the street car conductor, as an example, he scorned those who would punish a defendant "for no other reason than that he is a Jew." He declared that if Frank had not been a Jew he would have been prosecuted.

He paid his respects to the jury by saying they are "very above the average. I'm not saying this to flatter you," said he. "I reckon I have tried cases before a thousand juries, and I'm telling you the simple truth."

Using a recent decision of the court of appeals with deadly effect, Attorney

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Journal Wants Intensifiers.

Many men and women get into ruts from which they never extricate themselves.

The result is the stages of energy and power for service that, lie within them become weakened from remaining dormant.

All that is necessary is that these people be stimulated by being given a new view of life through opportunity.

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Get to use The Journal Want Columns. They are the greatest energy intensifiers known.

HOOPER OPENS ARGUMENT FOR STATE IN ELOQUENT SPEECH

(Continued From Page 1.)

[illegible] the object of this trial is to [illegible] the truth and to attain justice. I want distinctly as a representative of the prosecution in this case, to have an understanding with you at the [illegible]. We are not seeking a verdict of guilty unless Leo M. Frank is guilty. We want it understood that the burden of proving guilt is upon our shoulders. We recognize that we must [illegible] his guilt beyond a reasonable doubt, and we realize that the proof must be shown by the evidence. We [illegible] this burden cheerfully. I don't [illegible] there is one associated with the prosecution who would see a single hair of the head of this unfortunate defendant harmed wrongfully. We want him tried just exactly as every other defendant is tried. We want the same [illegible] under the same laws. He is entitled to the protection of the law just as every other citizen is.

NOT ENTITLED TO MORE.

"And, on the other hand, he is not entitled to any more. He is not entitled on account of his position and connections to more favor than any lowly defendant. The strong arm of the law is expected to reach up to the highest to drag them down to punishment as it reaches down into the lowliest gutters to pick up weaklings and see that justice is done to them.

"Gentlemen of the jury, I am not going to go into all the facts in this case by any means. I congratulate you that the case is near an end. While you have had to do no work in this case, you have had to spend all your days listening to the evidence. You have been taken away from your families. Virtually, you have been in jail.

"It will take a little more time, and I expect you to be patient.

"There never has been a case in Georgia of more importance than this, never one more far reaching. And with that importance rises the degree of responsibility that rests upon you and upon all others connected with this case.

"Try this case according to law and your opinion of the evidence—that is your sole duty under your oath.

NOT LOOKING FOR BLOOD.

"Now, gentlemen of the jury, I'm going to talk to you about the facts in this case, but before I begin there is one other thing I want to say. This man should not be considered because the law may seem to be seeking a victim. We are not proceeding in this case on the theory of an eye for an eye and a tooth for a tooth. The law does not demand that this man be found guilty. The law demands that you find out the truth in regard to this man. If the evidence does not measure up, no man has the right to ask that you bring in a verdict against him. We are not looking for blood. We are simply seeking to find the murderer of little Mary Phagan.

"On the 26th day of April let's see what the situation was. This immense factory over here on Forsyth street was being run with Mr. Montag as general manager, with this defendant as superintendent and with Mr. Darley as the general foreman.

"I am not proud of the conditions that existed there. What were those conditions? What was the moral atmosphere of the place? The character of the place itself is a thing that has a wonderful bearing on the case.

"They have produced twenty-five girls or more who testified that the defendant's character is good. That is, to a certain extent negative. They simply know nothing against the man. But in his character good when we have brought girl after girl into this court who also was there—and you will notice that most of them had left there from one to two years before this crime was committed—and these young ladies told you that the character of this man was bad. You noticed the emphasis they put on the word 'bad.' Now it is for you to choose between them, between those who are there now and who say his character is good, and those who have left and say his character is bad.

LAW A LITTLE PECULIAR.

"The law is a little peculiar in regard to the introduction of character testimony. Before this trial, when we were examining the character witnesses introduced by the state, the first question we asked them was in regard to the defendant's character. We put them on notice right at the start what we wanted to find out about. Then we went into details with them in regard to particular incidents of which they had knowledge and on which they based their opinion of the defendant's character.

"Then we brought these young ladies and put them on the stand and as you know we could ask them only certain questions and could not go into details with regard to particular incidents. But the defense had the right to go into details in regard to specific cases. They had the right to inquire of these witnesses on what grounds they based their opinion of the defendant's bad character. What did they do? They dismissed the witnesses without making any inquiries.

"Now that was the only legal way by which the information in regard to specific instances could be placed before you. Unless the defense asked the questions, you were shut off from this information.

ARNOLD OBJECTS TO ARGUMENT.

Attorney Arnold objected. Mr. Hooper was making what he deemed an improper argument, he said to the court. Judge Roan sustained Mr. Hooper, however.

"I repeat, gentlemen, that cross-examination by the defense was the only legal way to throw light on these incidents.

"Now, let me ask you a question. If 25 men were asked regarding the character of a certain place, and 25 of them said it was good and 25 or 15 or even 10 said it was bad, or if you were passing through a place and asked 100 men in regard to the character of a man, and 90 of them told you it was good, whereas 10 of them told you to beware of that man because his character was bad—under these circumstances, would you be satisfied that the character of the place was good, or that you had found a man whose good character you could rely upon?"

DEFENSE LET DOWN BARS.

"Under the law we were estopped from placing the character of this defendant in issue. But the defense laid down the bars, and we have walked in. Not only have we shown his general character, but we have shown his special character as regards his relations toward women.

"No doubt, gentlemen, the situation under which this man worked was a great temptation—at least a great temptation for a man with little conscience and a great lust.

"That factory was a great place for a man of lust without conscience.

"Wasn't it a terrible place for young girls to be—there with this defendant, assisted by the noble Darley and the handsome Schiff? And all of those little girls absolutely dependent upon that [illegible].

"The reputation of the whole place, we find, was bad.

"We find, gentlemen of the jury, the defendant coupled up with this man [illegible]—and what a fight his attorneys have made on Dalton!

"It may seem strange, gentlemen, that [illegible] who associated with bankers, business men, and who is the head of a [illegible], should have sought a man [illegible] with a checkered record, for company. But have you ever considered that when he was dealing with a certain side of his life, with congenial pursuits, he sought congenial companions in those pursuits?

A DR. JEKYL AND MR. HYDE.

"You doubtless have read 'Dr. Jekyl and Mr. Hyde?' This defendant, like Dr. Jekyl, when the shades of night come, throws aside his mask of respectability and is transformed into a Mr. Hyde. And then he does not seek the companions of Dr. Jekyl, but like Hyde goes to a lower stratum where he picks up Dalton and his kind, and goes with them instead of with the men who have come here to give him a good character. Dalton, whom you will find a man sometimes good and sometimes bad, is congenial with the bad side of this defendant.

"Now we will come back to that factory controlled by Frank.

"He pretends he did not know this little girl. But every day, time and again, he passed by her machine.

"You will find he often stopped and helped her with her work in a kindly way. And you'll even find him following her out of the beaten path—this poor little child whom her parents sent there thinking she would be safe with him. You will find him telling her that he is the superintendent of the factory and that she must listen to what he says, and you find the little girl trying to get away.

"He had cast the eye of lust upon that beautiful little girl.

HAD HIS EYE ON MARY.

"And then he started laying his foundation before he ever put his plans in operation. Several weeks before he remarked to Gantt, 'You seem pretty thick with little Mary.' That showed that he had his eye on her, that he was watching her enough to know that Gantt, who had known her when she was a baby, was familiar with her. And next we find, gentlemen, that he wanted to get rid of Gantt. Just a few days before he had been bragging on his office force. And Gantt was a part of that office force. But when he cast his lustful eye upon little Mary Phagan, he began planning to get rid of Gantt. It was about $1. But, gentlemen, the dollar was not the issue. A boy came up with his pay $1 short. Then Frank laid his trap. 'I'm not going to lose a dollar,' he tells Gantt. And, of course, this long-legged mountaineer says, 'Well, I'm not either.' 'All right,' says Frank. 'This is where we part, Mr. Gantt.'

"Consciously or unconsciously, he then was getting rid of the only man in that whole factory who would lift up his hand to protect Mary Phagan.

"Continuing with his plans we come to Jim Conley. I don't blame the defense for pitching their fight on Conley. Conley stands like Stone Mountain. They couldn't get by him. While Conley would have left some things not perfectly clear, still we could have gotten along without him. But the defense could not get by him. They had to break him. As a result, gentlemen, you have seen the greatest fight ever enacted in a court room, I believe, between a witness and a lawyer—the wiry trained mind of our stalwart friend here pitted against an ignorant negro whose only strength lay in the fact that he was telling the truth. You saw the end of that battle three and a half days after it commenced.

LIKE WHEEL IN A MILL.

"And now I want to call your attention to a point about that affair. They asked him about everything possible, you probably noticed, and then they would have the stenographic report of his answers written out and they would bring it back and ask him the whole thing over again. It was like a wheel in a mill, where the water continues to move. Mr. Rosser knew that he had to break that negro, and he laid a deep plan.

"And why didn't he break him? It was because the negro, after all the lies he had told, eventually had arrived at the truth, and the truth is stronger than these lawyers. They never twisted him. And how they hated to give up that fight! After my Herculean friend had worn himself and his voice out, he tried to put Mr. Arnold onto him. Mr. Rosser and Mr. Arnold would tell you that he was a powerful liar before, and he was. He made his first statement. That was part of the truth. He made his second, and that was more of the truth. And he made his third statement, which was still nearer the whole truth. And on cross-examination he told still more of the truth. If they had continued to bore into him I don't doubt that he would have told more.

FRANK A SMART MAN.

"Did you notice, gentlemen, Frank's attitude during this case? That's a smart man. He didn't need to stand up before you with his papers for three hours and a half for you to see that.

"Now to get back to Conley. Jim comes back to that factory Saturday morning, April 26, at the direction of the defendant in this case. I don't think there is a specific denial in Frank's statement that he ordered this negro to come back. I'll assume that there is a denial to every incriminating point.

"Now, Saturday morning, Frank was there. Jim was there, too. Gentlemen, do you know that providence at the last minute sometimes divulges the truth? Yesterday we found two men who saw Jim Conley in that dark hallway. Here come these two witnesses who say that they were in town that day, who say that they went into the factory, and who say that they were told where they could find the office—told by a negro who they won't say was Jim Conley, but who in that dark hallway they say looked darker than Conley."

Attorney Rosser interrupted. "Brighter," said he.

"WHO WAS IT BUT JIM?"

"I think you're wrong, but I don't care," said Mr. Hooper. "If there was a negro down there, who was it but Jim? It was one who knew all about the factory, who knew where the office was. It so happened that Mrs. White saw him. She doesn't identify him positively as Conley. She doesn't identify him as I could a man to whom I had been introduced, nor as I could identify you, gentlemen, after looking at your faces three weeks. But she says he looked like the negro she saw. He was there waiting to do the same thing he had done before: watch for his boss.

"It is said that the negro was drunk. But didn't he tell you every one who went up and came down those stairs that day? One of their witnesses on the stand gave the list of those who went up and came down. And it was the same that Conley gave.

"Now, gentlemen, we come up to the time of the tragedy.

"Jim is still there. All these parties have come and gone. The only complete history of how they came and went is from Conley.

"About Mary Phagan: She had been told that she would have to come after her money. A little friend tried to get it Friday for her, and it was refused by Frank. That was contrary to the rules. Schiff himself on the stand said that they didn't always pay off money to the person it was meant for, if they knew who came after it. But you find, gentlemen, that this man who fired Gantt, said, 'No, you can't have the money.' And so Mary Phagan had to come for it.

"Then he told Conley that he had work for him. And it turned out to be the same work Conley had done before.

FRANK USED WORD "CHAT."

"I don't know whether you noticed it or not, gentlemen, but in his statement Frank used the word 'chat' repeatedly. Jim used it, too, on the stand, in quoting Frank.

"Now, when Jim finally comes, he sits down in the hall. He is observing all who come in but he says nothing.

"Then Mary Phagan comes—a beautiful girl. She must have been beautiful, from the description of her. She came with an engagement to get that $1.20. Without knowing the horrible death that awaited her, she went blithely to the factory—where sat the superintendent, the defendant in this case. And since that day not a word has come from her lips. But without those words we can picture the harrowing, cruel death that she suffered."

DEAD GIRL'S MOTHER WEEPS.

Mrs. J. W. Coleman, mother of Mary Phagan, seated at the table by the prosecution's lawyer, sobbed softly and inconspicuously.

"Mary Phagan got there shortly after 12 o'clock. My brother Dorsey will show you the exact time. I'm not going into the figures. She went into that factory about 12 o'clock. And she went into that office where the superintendent sat. He corroborates that. We get that statement from his own lips.

"Frank was there in his office from 12 to 1 o'clock, according to the statement he first made. At the time he made that statement he thought it would suffice, he thought it would account satisfactorily for all of his movements.

FRANK OUT OF HIS OFFICE.

"Then came a person who came there to his office between 12 and 1 o'clock, to look for him, and didn't find him there. Miss Monteen Stover testified that she went to his office, and he was not there, and she waited around five minutes or more. But Frank, in making his first statement, didn't know that this little girl had been there. So he said he was in his office all the time from 12 to 1 o'clock.

"Now, at this late day, for the first time the public has ever heard him state it, he admits that he might have gone out—that he might have gone to the toilet. Why didn't he make that statement at first? He didn't know Monteen Stover had been there! He didn't know that while he was back there in the metal room killing that poor little girl, Monteen Stover was in his office waiting for him.

"You don't have to depend on Jim's testimony to know that Monteen was in his office. You don't have to depend on this negro Jim Conley, who was so drunk that morning he couldn't stand up and yet who afterward told readily and correctly the name of every person who went up that stairway, and the order in which they went up, and the order in which they came down, and whose testimony on this point was corroborated by the defense's own witnesses.

"Then Jim heard two steps going back. It sounded like one person was going back to the metal room, and was followed immediately afterward by another person. Then in a few moments he heard steps running from the metal room toward the office at the front. Leo was to give the signal to Jim below. But it was no time for signals then. When Frank followed that little girl back to the metal room he doubtless did not know that force would be necessary. In fairness to him, I will say that I don't believe that he had murder in his heart at that moment. But he had in his heart the lustful passions stored up for this little girl.

"THEN CAME THE SCREAM."

"Then came the scream, and I wish you could imagine the sort of a scream it was. The negro illy describes it by saying it was like a laugh at first, and then like a choke followed by a scream."

Attorney Rosser interrupted. "There was not one word in Jim Conley's testimony about any laughter."

Attorney Hooper: "Well, we'll say he didn't hear the laughter, then. He heard a scream, and I suppose you won't dispute that.

"But he didn't go up. He was under orders. He was waiting for his signal, and the scream didn't mean for him to come.

"Then the interval. And Jim heard the footsteps tiptoeing back to the office—Frank coming back to get the cord.

"This little girl was chaste before she went to the factory that day. But according to Dr. Harris' testimony violence was done to her before she died. And it was done there in the metal room on the second floor.

"Then Jim got the signal. He got both signals, the signal to lock the door and the signal to come upstairs. He found Frank at the top of the stairs, shaking like an aspen leaf.

GIRL SLAIN IN METAL ROOM.

"Gentlemen of the jury, that little girl was slain in that metal room. Can you doubt it from the evidence?

"This negro tells you that Frank did it. This man Frank, this man of high character, tells you that he did not do it. He tells you that he was at work on that wonderful finance sheet.

"I'll show you, gentlemen of the jury, by this diagram—or I could have shown you by the model if it had survived the little altercation in the press room—that Frank either did this crime or that he was obliged to have heard the negro if he assaulted the girl. Do you believe he sat supinely by and let the negro assault the girl and kill her?

FIGHT OVER LITTLE RED LINE.

"I want to show you something." Mr. Hooper had the sheriff set the diagram on the railing in front of the jury. "Do you see this red line running back from the office to the metal room? We've had to fight the lawyers for the defense all through this case over this little red line. And, why? Because this little red line shows that Frank, where he sat at his desk, could see back toward the metal room down that long hallway. He didn't lean back as he sat at his desk, but he leaned forward. You know he leaned forward at his desk because he tells you himself that he is a wonderfully hard working man. This little red line is drawn from the spot where his head would be as he sat at his desk, back down the hallway to the metal room.

"Giving him the benefit of every doubt, the circumstances all show that either he killed this girl or else that he sat there and let the negro kill her and drag her body down the hall to the elevator and take it down into the basement without ever raising his hand.

"Remember, now, this elevator, according to the defense, made so much noise that it could be heard all over the factory, and the vibration of it shook that great big four-story building.

"Gentlemen of the jury, this murder took place there in the metal room while Monteen Stover was in Frank's office.

HAD TO GET RID OF MRS. WHITE.

"As soon as the murder was done, there was something up on the fourth floor that had to be attended to. There was a woman on the fourth floor who had to be gotten rid of. It was dangerous for her to be in the building. The body was back there on the floor in the metal room. The woman had to be gotten out, and the body had to be disposed of.

"I reckon Jim can tell you the truth about Frank going upstairs, if he is corroborated by three witnesses."

Attorney Rosser interrupted. "Jim didn't say a word about Frank going up to the fourth floor."

Attorney Hooper: "He said Frank went out of the office and tiptoed upstairs."

"Yes, gentlemen, according to his own admission he went upstairs and told that woman that she'd have to get out of the building or else be locked up in there for hours.

"And then he hurried back to the office. Why?

"He went back there so that if the woman passed by on her way downstairs and looked into the office, she would see him at his desk, at work."

WASHING HIS HANDS.

"He was beginning to realize then what he had done to this poor child. And he was washing his hands with imaginary water—as his friends would make you believe he always is doing.

"Then, gentlemen, he made a statement which to the situation was like a key to a vault. It unlocked the whole matter. 'Why should I hang? I have wealthy people in Brooklyn.' That was the thought on his mind. It shows the appreciation that he placed on that girl's life. Was it much harm to get rid of her? Was it much harm to wind the cord around that tender young neck—a thing I can't conceive of a human being cruel enough to do? Yet all that seemed not to impress him. The thought uppermost in his mind was, 'Is it possible that I, with wealthy connections, will hang for a little thing like this?' They deny that he made that statement. And he denies it. But it is much easier to deny a statement than it would have been for Jim Conley to invent it.

"Did Jim know that he balanced money against her life?

"Then we have a statement just as appropriate from the land of Africa. 'What's to become of me?' asked Jim. 'That's all right,' was the reply. 'I'll write a letter to my mother in Brooklyn, and tell her that you are a good boy, and she'll give a good job.'

"I wonder, gentlemen, if the lady who has sat so faithfully through this trial ever got that letter.

"He said that Jim was a good negro. Yes, Jim was a good negro in his mind for his purpose, as he had stood guard when Frank committed crime after crime and then when he committed murder."

Attorney Rosser objected. He contended that Mr. Hooper was taking statements from Jim's affidavit and not from his testimony on the stand.

"Well, if these gentlemen had been kind enough to furnish me with copies of his statement on the stand I wouldn't have been mixed up. But by sticking to the old I won't get far from the new anyway.

FALSE TO EVERYBODY.

"Then he asked 'Jim, can you write?' Why did he ask that question when day after day he had been receiving requisitions in Jim's wonderful hand? At that time, gentlemen, Jim was not on guard, as he was in his fight with Mr. Rosser. Then he was dealing with his boss, with that boss who has been false to him, as he has been to everybody else. He was false to Newt Lee when he pointed the finger of suspicion at Lee by planting that bloody shirt in the negro's home.

"I ask you what object the negro Conley could possibly have had in planting these notes by the girl's body. You know these negroes. You know their traits. Would one of them have done a thing like that? Would you believe that a man with no more sense than to put those notes saying that a negro committed the crime, by the body, could have withstood the great Luther Rosser for three and a half days and come out victor? The idea that Jim would have put those notes in the same hand, specimens of which he knew were upstairs in his boss' office—that he would have said the crime was committed by a negro—is absurd? If Jim had done that he would have been a fool. Really, I think that this is the only point where Frank himself lost his head.

PROMISED CONLEY MONEY.

"Then Frank promised money to the negro. And he gave him a wad, saying it was $200, and it looked so big to Jim that of course he took it without counting it. Then an idea struck Frank. 'What am I giving this fool $200 for?' he asked himself. 'He's in this as deep as I am, almost, and I have his mouth closed by stronger chains than money.' The business man that went into the details that Frank discussed before you the other day, gentlemen, is under no circumstances—however harrowing—going to let $200 get out of his hands if he can help it. And so Frank took the money back from the negro, but his conscience made him give Jim a cigarette box containing a pitiful sum of money.

PLANNED TO BURN BODY.

"Then he started planning to dispose of the body, and he told Jim to come back that afternoon and meet him there at a certain hour and that they would burn the body. My friends of the defense have suggested many ways in which the body could have gone down into the basement. They tried two ways in particular, and when we broke those theories down and showed that the body couldn't have been carried that way they came back to the first.

"It would be asking very little more of Jim to come back and burn the body, as the crime of concealing the murder was just as great.

"So he told Jim to meet him that afternoon. He expected no one except Lee. I don't care anything about the time he reached the house and the time he left it. But he got back to the factory at 3 o'clock. He had an engagement there to burn that child's body, and he knew that only one persons besides Conley was expected. Do you remember, gentlemen, the battle of Waterloo, when Napoleon kept saying, Which will come first, Blucher or Ney?' And Blucher came, and Napoleon was lost.

"This defendant was in the same fix about Conley and Lee. It turned out that Lee came first, and the defendant was lost. He said to Lee: 'Newt, I don't need you now, so go out and have a good time and stay till 6 o'clock.' That gave him a chance, he thought, to get Jim Conley to burn the body. But Jim was asleep, having drunk many beers; and Jim didn't come back. And Lee did.

SENT LEE AWAY.

"It wasn't Newt Lee he wanted back. It was Conley. 'Give me two hours,' he said to himself. So he sent this man away. But the two hours were not enough. Jim never came back. When honest Newt finally came back, he had a talk with him about night work, and then he went out. Now I want to call your attention to this Gantt. When Frank was leaving he saw Gantt. Gantt was talking to Newt Lee. And when he saw them he jumped. Both of them tell you that. Was it because he was afraid of Gantt? No. Why Gantt wouldn't hurt a flea. It was because Gantt lived near Mary and knew her from childhood and would protect her. Then Gantt speaks to him in a way that relieves his mind. He said he wanted to get some shoes that he left there when Frank fired him. But this defendant doesn't want Gantt to go in. There's something down there in that basement that won't bear his sight. So he says 'I saw a negro sweeping up your shoes the other day.' Was this a lie, gentlemen, or was it the truth? Gantt said, 'Well, I've got two pairs in there.' And Frank decides he's got to let him go in. (I can't afford to arouse your suspicions,' he says. 'Mary will be missed in a day or two.') And he knew that then there would be a hunt on. So he let Gantt go in like a thief, guarded by a negro. And the remarkable thing is, gentlemen, that both pairs of shoes were just where Gantt said he had left them.

"After that, was there anything [illegible]

[illegible] Newt Lee the [illegible] And when he found [illegible] ringing, he says, but [illegible] up. That faithful Newt had discovered the little girl's body in the basement, and he had notified the police and tried—or tried to. And he said he never heard the telephone but faintly. Now there is no suspicion of Newt. He has been turned loose. Frank didn't hear that call, gentlemen. But the police did hear it.

"They took the body to the undertaker's, and in the morning they tried to get Frank again. They got him over the telephone this time. And the detectives act better than they make witnesses. My friend Starnes looked like he was mixed up awfully when he was on the stand, but he remembered everything that occurred. He remembered calling Frank that morning. So they went out to get him, and even before he was suspected he showed unmistakable signs of nervousness. He has faced you three and a half weeks here, and he is as calm and cool as any man in this court house. That morning he was as nervous as a cat. When he sat in the lap of a passenger in the automobile he was trembling. He went to the undertaker's to identify the corpse of the little girl whom he had looked on with lustful eye. And when he got there he never even paid her the respect that every other friend who went there did. He never looked on her body, gentlemen. He went on into another room, without stopping to look—into a room he knew nothing about; and when they asked him if he knew her, he said no. He said he didn't know this little girl whom he'd seen and passed half a dozen times every day in the factory."

ROSSER INTERRUPTS.

Mr. Rosser interrupted: "Frank did not say he didn't know her," said Mr. Rosser.

Attorney Hooper: "Well, he said he would go to the factory and look on the books and see if she worked there?"

Mr. Rosser: "That's right, that's right."

Attorney Hooper: "All this, mind you, after he had talked to her in the factory and called her 'Mary.' All this, after he had discharged Gantt because Gantt knew her. Did that look like an honest man? And he left as quick as he could and went home.

"Another thing, gentlemen."

At this point Mr. Hooper asked Mr. Dorsey for the time slips taken from the factory clock.

"They took Frank back to the factory, and it got into his mind that the best thing he could do was to look at that clock. He wanted to look at that clock and see if honest Newt Lee had done his work all right. And when he opened the clock and took out the time slip, he said in the presence of a crowd that Newt Lee had done his work all right.

"Another witness looked over his shoulder and said it was all right. And Darley said he overlooked it, too. And Frank said, 'Now that clears Newt. Whatever may come, Newt, you're not guilty.' But it next occured to him that something must be done about Newt. Why didn't he let the clock alone, he reasoned with himself. So the next morning another slip appears. It comes from his right hand man Holloway. There are two slips in it. Frank says he made a mistake in the slip. Then he casts suspicion on Newt Lee. Newt had time to go home, he said, and come back. He dropped this and John Black caught on to it, and went out to Newt Lee's house."

BLOODY SHIRT A "PLANT."

Mr. Hooper held up the bloody shirt found at Lee's house.

"And Black found this shirt, gentlemen. He found it down in the bottom of a trash barrel, wet with blood. How did it get in there? Did you notice, gentlemen, in Frank's statements, how minutely he went into his actions on Sunday? He skipped hardly fifteen minutes. Why was that? He wasn't so particular about filling in the time on Friday. Gentlemen, somebody had to plant a shirt at Newt Lee's house. Somebody did it. I don't know whether this defendant did it alone, but he had to put it there if he was going to make Newt Lee the goat. Now, this is not an ordinary shirt. It is a home-made shirt. When they took it to Lee he said, 'That may be my shirt. I had a woman out in East Point who made me some ones. If that's a home-made shirt, it's mine, but if it's a store-bought shirt it's not.' And it was found that it was a machine-made shirt. When it was found at the bottom of this barrel, the detectives found something that you have never seen before. There was a shirt bloody on the inside and the outside, and the blood hadn't soaked through. It could mean only one thing. That shirt was wadded up and wiped in blood. The shirt had no odor, no smell of the negro. Its only smell was that of blood.

"Remember, please, that that morning this defendant brought in a false time slip which he had all day Sunday to make, and said, 'I was mistaken about that first slip being right.'

"He wanted to have that poor negro hung in order that he might go free. The Bible says: 'What will not a man do for his own life?' Frank was willing to hang this poor innocent negro, Newt Lee, in order that his own liberties might continue.

"Then somehow, Gantt was suspected, and he got arrested, but pretty soon they turned him loose.

CONLEY A LAST RESORT.

"Yet in all this time Frank had never directed suspicion toward Conley, his accomplice and his partner. Conley, you will remember, got caught by accident when he was washing up his shirt to go to the inquest. Frank held Conley back until the Newt Lee scheme fell through, and until they had turned Gantt loose. And then, as a last resort, the defense pitched their whole attack on Conley.

"Now, there's one other thing that I [illegible] Then they showed the [illegible] to Mary Phagan's stepfather. And then what happened?

"Mr. Coleman said: 'This won't do. Mary got $1.20 that Saturday, and this envelope showed the figure 5. There's got no business there.' So then they rubbed the 5 off. There's no proof that the stains on this club are blood, and even if there was, all the expert testimony is to the effect that she was not struck with a club at all. No, gentlemen of the jury, this club and this envelope are along the same line as the plant of that bloody shirt in the barrel back of Newt Lee's house.

TAKES UP MINCEY'S AFFIDAVIT.

"Not only that, but there was a fellow named Mincey that figured very conspicuously in this case before the trial began. You remember that my brother Rosser examined Jim very closely about this man Mincey. He had in his hand a piece of paper and he read what purported to be the report of a conversation between Jim Conley and this man Mincey. And although Jim denied at the outset that he ever had seen such a man, Mr. Rosser read to him every line of the affidavit and made him deny it in detail.

"That was done as you all understand, I suppose, for the purpose of laying the foundation to impeach Jim Conley.

"My recollection is that Mincey already had been sworn along with that crowd of witnesses, so they were just waiting for him to testify."

Attorney Rosser interrupted to deny that Mincey was sworn.

"WHERE IS MINCEY NOW?"

"All right," resumed Attorney Hooper. "Then he wasn't sworn. But the point is, where is Mincey now? It first looked like the whole fight in this case would hinge on Mincey's affidavit. Yet we've heard not one word from him since the trial started, except during Attorney Rosser's cross-examination of Jim Conley. Mincey's gone. And they've got nothing left but this old stick and this little piece of paper, which they claim was Mary Phagan's pay envelope.

"Now, gentlemen, I'm not going any further. This has been a long, tedious case and you all are tired. I have undertaken to outline as briefly as I could the state's case. I thank you for your attention."

Mr. Hooper finished at 11:15 o'clock.

The jury was excused for a short recess, and while they were gone Solicitor Dorsey and Attorney Hooper busied themselves in assembling the authorities on which they would ask the judge to charge the jury, the defense being entitled to know in advance just what these authorities would be.

CHART OF EVIDENCE.

At this point a large frame with cardboard nailed on it and wrapped up in a piece of paper was brought into the court room, and Attorney Arnold explained that it was a synopsis in chart form of the evidence introduced in the case, which he would use in his argument to the jury. Attorney Rosser approached the press table and stated that Attorney Arnold would go into the case in detail from first to last, and that he, Mr. Rosser, would do the "heavy rowing."

When the jury was brought back, Attorney Hooper began to cite the state's authorities, among the propositions submitted being the following: that the character of the defendant is not admissible except it be put in issue by the defendant himself, and when this is done that the prosecution is entitled to show that his character is bad.

That the theory of giving the defendant the benefit of every reasonable doubt had its origin in the old English common law, which denied the defendant's counsel the right to argue in his behalf.

Then followed a number of authorities defining the term "reasonable doubt;" that reasonable doubt is not a vague conjecture or a guess that the defendant may not be guilty; that it is not a doubt which might be conjured up to acquit a friend; that it is not a doubt to be conjured up by an over-sensitive conscience.

REASONABLE DOUBT EXPLAINED.

Other propositions submitted were: that it is not the rule of law that the jury must acquit in all cases of doubt, but that the doubt must be so solemn and substantial as to produce in the jurors' mind a grave uncertainty.

[illegible] circumstantial evidence satisfies the mind, then it is equivalent to [illegible].

That a juror is not at liberty to disbelieve as a juror what he would believe as a man. "In other words," explained Attorney Hooper, "you are not called on to lose your common sense but you are called on to use your common sense."

That to acquit on fanciful suppositions is a virtual disregard of the juror's oath.

That a reasonable doubt, in order to justify acquittal, should be such as a juror would hesitate to act on in the most important business affairs of his private life.

That absolute certainty is not attainable by means of circumstantial evidence, but that the jury is justified in acting on that high degree of moral certainty which satisfies their conscience.

That it is not proper for a judge to charge the jury that circumstantial evidence is inferior to direct evidence.

That the comparison of circumstantial evidence to the strands of a rope is a better comparison than a comparison to the links in a chain.

Mr. Hooper cited several authorities relative to the value of character evidence, and the right of one side to rebut character evidence. He laid special stress on the law dealing with character evidence which says that specific instances can be brought out only on cross-examination.

He quoted the law which declares that the jury must not consider opinions expressed by attorneys.

At 11:50 o'clock, Mr. Hooper concluded. Attorney Arnold called for the factory model to be brought into court.

Mr. and Mrs. J. W. Coleman, stepfather and mother of Mary Phagan, [illegible] the court.

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THE ATLANTA JOURNAL

UNIVERSITY OF GEORGIA, GEORGIA TECH, MERCER, YALE, AUBURN, KNIGHTS TEMPLAR, VANDERBILT, AGNES SCOTT, A. & M. [illegible] AND BOYS' HIGH SCHOOL, CLEMSON, [illegible] VASSAR, HARVARD, CORNELL AND CARLISLE.

[illegible]

[illegible] ASK SLATON FOR ATLANTA JU[illegible]

[illegible] 200 Attorneys Sign [illegible]tition for Appointment [illegible] Local Man to Bench

A petition containing the name[illegible] [illegible] 200 members of the Atlanta [illegible] association was presented to Gove[illegible] John M. Slaton Thursday by a [illegible] [illegible] of Atlanta lawyers asking [illegible] governor to appoint a member of [illegible] Atlanta bar to the judgeship of [illegible] fourth division of the Fulton supe[illegible] court, which was created by the re[illegible] general assembly. The only qualifica[illegible] named in the petition is that the [illegible] pointee be a man who has pract[illegible] at least three years at the Atl[illegible] bar.

Following are the petitions prese[illegible] to the governor:

To His Excellency, Hon. John M. [illegible]ton, Governor of the State of G[illegible]gia.

We, the undersigned committee [illegible] resenting a large majority of the m[illegible]bers of the Atlanta bar, hereby respe[illegible]fully transmit to you a resolution [illegible] appoint to the recently created fou[illegible] division of our superior court an [illegible] lanta lawyer who has practiced at [illegible] bar sufficiently long to thoroughly [illegible]tify him with it, to the end that [illegible] may know that we have in our ra[illegible] men fully capable of occupying this h[illegible] and responsible position. This reso[illegible]tion was offered at a meeting of [illegible]

[illegible]

NOT ENOUGH PROOF TO WARRANT TRIAL, ASSERTS ATTORNEY ARNOLD

(Continued From Page 1.)

Arnold, then paid his respects to the jury, arranged by "third degree" methods.

"The last year promised the jury, when it was taken, to show from the evidence that Frank was poisoned at Atlanta on January 18th.

Attorney Arnold emphasized his words by saying:

"We are all of us comfortable. We have all suffered by having to try this case. It is a hard case, a case where we have tired, effort and concentration was needed. We have suffered because of concentrate doctors. And we know that it is hard to give a case the proper consideration when we are so tired and uncomfortable. We all have been dismembered with our gentlemen of your isolation from your families.

"It is a part of the jury system that must go carried out. If jurist were allowed to go and talk with the people, it would be impossible for them to comprehend the evidence which they have to deal upon upon the charge which I have set forth.

"As it is jurors are we might say, tied up on a wall, where they will be away from the influence of their friends and families and cannot reach them and where they can neither see nor hear relaxing what the side view of detectives may be.

"In the old days man was tried by jury trial system. But there was a change in the system of trial by jury. As a result, part of their machinery was put in the hands of men who come from the ranks. They are sophisticated and can see through the facts in criminal cases where the judge, as always, decides the law.

REFERS TO HOOVER'S SPEECH

"My friend Hooper said a little ago, in his speech he was speaking of law. He said that he had heard the attorney say that the law of healing cases if we hurt? Why accordingly, if we do right we will have trials on the streets. Suppose a man should be killed. His friends are numerous they will save him, if not he will be lynched.

Mr Hooper alluded to the fact that he had not used the reference to streets.

"That has been good doctrine all through this case, said Mr Arnold "the doctrine that you have followed out.

"Sometimes the very nature of a crime renders it impossible to do a man charged with it justice. But time is ways between that situation. Frequently I have seen the mother of a crime in the man charged with it a terrible crime, I wouldn't hesitate for a moment to say that a horrible crime has been committed, and that the perpetrator of that crime could be nothing but a hardened, callous, heartless beast.

"But honest men, gentlemen do not say that they will hang a man because he is charged with that crime. They are cranks to say a man is guilty just as soon as he is accused. I remember an instance which my friend, the late Charley Hill used to tell. A prospective juror was being examined and satisfactorily answered all questions up to this point when the solicitor said Juror look on prisoner, prisoner look on juror. The juror took one look and said "Judge, he's guilty. That is the spirit of some people, the spirit of some high-minded fellows who don't represent public sentiment. They are fellows like that man Kendley.

CONDEMNS KENDLEY

"You can look at him and see that he has a smooth life, a life of ease, of dressing him gentlemen, guardedly, and because he deserves it. Fellows like Kendley remind me of the farmer with a pond. The frogs make so much noise that he constructed a dam in the wagonroad of them. The next day he drove up to the man's house with one hoss from to the wagon. This frog said, 'has been making all the noise I thought there were a wagonload of them?' That's the way with some big-mouthed fellows who jump to conclusions without knowing anything about the facts. They are people who wouldn't grant a man a minute if an angel in heaven came down and told them he was guiltless.

"This man Kendley said they hang two negroes out at Decatur. He said he wasn't sure whether they were guilty of not but somebody had to be hung for it. And he said that they ought to hang this man because he's a d d rather be in Lou Frank's shoes than his. My friend Hooper says that Frank has been calm for three and a half weeks. Gentlemen Frank has showed fortitude which he inherited from his ancestors. There are always men willing to condemn anybody at whom the finger of suspicion points. Kendley is one of these men. The evidence brought him up.

RELIGIOUS PREJUDICE CHARGED

"Leo Frank comes from a race of people that have made money. And that has made some people envious. I tell everybody all within the hearing of my voice, that if he hadn't been a Jew he never would have been prosecuted. That negro Conley has been brought into court to tell his own story. He was subpoenaed but prompted. I am asking my kind of people to give this man fair play. Before I'd do a Jew that way, I'd want my throat cut from ear to ear. This is a case that they've built up by degrees. They've got a monstrous perjurer here in the name of Conley. And they brought a man in here who before this crime nobody had ever said a word against, and you want to believe this negro against him.

"There is always such evidence in a criminal case, and always a premonition of such evidence. After the trial was in progress two or three weeks they got a lot Quakers, and they testified in my criminal case. I don't know a lot of such witnesses. I don't know whether it's imagination that makes them do it. Yet there is a certain class that is always ready to offer evidence. We've got a lot of them. That shouldn't be in. It's been put in to prejudice your mind against the defendant.

"In a few minutes I'm going to compare the state's witnesses and the defense's witnesses. I'm going to show that they brought the dregs of humanity, jail birds and counterfeits into this court. They have created every act of this defendant, misconstrued, every word, tried to fasten a street car around, tried to slow a crack to substantiate their case.

WILL SPEAK THE FACTS

"They put up this little boy Dorsey to show that Mary Phagan went down to wine after 12 and he was hardly done testifying, when they started saying that he (Dorsey) and tried to prove that the street car was ahead of time and maybe she got there earlier. I am going to try to stump the facts in this case. If God stumps me I will give my power. I'm nearly worn out. Gentlemen, you swore at the beginning of this trial that you were not prejudiced. Look at me, look at your faces now I believe it. This jury is far above the average. I say this not to flatter, gentlemen. In all my years of experience in courts I think I have never seen a jury more intelligent.

"Now let us consider the rule under which we are trying this defendant. There's enough to draw in every situation. Is it fair, is it square, is it beyond a reasonable doubt. If they don't do it that, we've got to turn him loose. If you think that Conley is as truthful as Frank, you've got to turn him loose. That letter is a logical theory.

READS DECISION

At this point Attorney Arnold read a decision from a case in which the evidence was circumstantial and the verdict was turned down by the supreme court. It was in the effort that the horror of certain crimes frequently leads to beliefs which carried to the jury but make the jury turn in a verdict of guilty on mere suspicion.

"It is not right to judge one solely on suspicious circumstances. The footprints and the gunpowder was put on this case to get somebody. Suspicion shifted to Tom, Dick and Harry. First they said this man Gantt. Somebody said they had seen him around with the little girl that night.

Bulletin Dorsey objected. There was nothing in the evidence about that, he said.

Attorney Arnold retorted "Well, you asked some of your witnesses on the stand have about that phase of the question. I heard you mentioned a man named Bentell.

There was a brief discussion.

"In sentiment people often turn up with things that are not true. Everyone who has had any experience with courts knows this they must discriminate when anybody comes to them with a remarkable idea in this case. Gantt was suspected. And for a long time Newt Lee was suspected. Now I don't believe that Newt is guilty, but I am not certain that he didn't find the body a long time before he notified the police. There are certain things which will serve let my mind be clear on that score.

Attorney Arnold recited the incident of Newt Lee saying "That man came to me when Sergeant Dobbs read eight-with" from the note found beside the body.

"I think my service at Atlanta (d.) I'll never get it out of my mind that he knows something about that murder. This is one of the profoundest mysteries in criminal history. The police were baffled at every turn. Something stood out clear though. The man who wrote those notes killed little Mary Phagan. I don't think there is one man in a hundred who doesn't believe that. It looks like one negro wrote those notes to put suspicion on another. If he had to tell what observed thought was in the mind of the man who wrote them. Two thing grew. They had Newt Lee in custody, and they put him through the third degree and the fourth degree.

Attorney Arnold interrupted himself. And right here I want to call on your attention to a decision handed down by the court of appeals a day or two ago regarding the third degree.

Attorney Arnold read it to the jury. It was an arraignment of the police method of questioning prisoners in order to get confessions from them.

How that does fit Jim Conley" said Mr. Arnold. Conley and the powers that make him swear Conley was put through tortures that flourished in the Spanish inquisition chamber. And so was this negress Minola McKnight.

WICKED INVOLVE INNOCENT

Continuing his reading of the court of appeals decision, Attorney Arnold laid particular stress on the words, "The wicked do not hesitate to involve the innocent, in order that they themselves may escape.

"My Brother Hooper said that Conley had nothing to hold him on the stand but the truth," said Attorney Arnold. "My friend he had the desire to save his own neck. What stronger motive could a man have on the stand? This negro was confronted with the finger on Jim Conley's story. If the prosecution can't hold Conley, he's gone. Jim Conley's rotten crutch, then they know they will fall.

Before I get through I'm going to show you that they was never such a frameup against a man since God made the world than they have concocted against this defendant. And I'm not afraid to stake my place and position to the men who had a hand in it."

ACWORTH HAS ANNUAL "HOME-COMING" DAY

Occasion Is Celebrated in Connection With Odd Fellows' Convention

ACWORTH, Ga. Aug. 21.—The annual home-coming day for the citizens of Acworth was held Wednesday in conjunction with the annual Odd Fellows' convention. An elaborate program was carried out in the morning and at the noon hour all adjourned to the tables to give several hundred hungry persons.

In the afternoon the Odd Fellows carried out an athletic program, consisting of various running and jumping contests. Nearly 3,000 visitors attended the homecoming and the convention.

FORWARDS BOND AS NEW SAVANNAH COLLECTOR

SAVANNAH, Ga., Aug. 21.—Inertia to Barrow, the recently appointed collector of the port of Savannah, Wednesday forwarded to Washington his bond and instrument he expects to have his commission forwarded at once. Mr. Barrow gives the bond of $40,000 for his new position.

The commission of the present collector expires next week.

FRIGHTENS GANTT WITH TALE OF LYNCHING

Marsha, Warrington's Companion Found Guilty of Violating White Slave Law

SAN FRANCISCO, Aug. 21.—With Mary I. Diggs convicted and awaiting sentence for jail terms violated the Mann white slave act in fleeing with Marsha Warrington from Reno, Nevada, Mrs. Rose Rosa, the government witness turned its attention to Diggs' companion in flight, J. Irwe Campbell, indicted for stealing Julian Lola Norris on the same charge in Reno. Diggs who pleaded guilty last night on $10,000 bail, furnished by his father, I. P. Diggs, and sadie, Marshall Diggs. He will be sentenced to the penitentiary on September 5. Five years for each of the four counts on which he was convicted is the maximum penalty.

Although Diggs was regarded as the leader in the interstate jaunt, the attorney of Campbell will concentrate his attention owing to the fact that the is the son of Anthony Campbell, a leader in state and national politics and the present commissioner general of immigration.

When United States District Attorney Jean L. McNab (resigned) heard the Diggs-Campbell case he notified publicness by accusing the attorney general's office of having delayed the trial for political reasons. Campbell-or Campbell figured in the expulsion of Dr. Jaeger, the chief, Secretary of Labor Wilson, stated he had requested postponement until Commissioner Campbell, who was eager to return to San Francisco from Washington to aid his defense, could relieve himself with his duties.

Friends of Campbell were desperado today over Diggs' conviction and by the attitude of the court toward that defendant. Judge Va Fleet, who also will try Campbell, said in his charge to the jury:

"If you find that the defendant and the companion Marsha, killed little Mary Phagan, I don't think there is one man in a hundred who doesn't believe that. It looks like one negro wrote those notes to put suspicion on another. If he had to tell what observed thought was in the mind of the man who wrote them. Two thing grew. They had Newt Lee in custody, and they put him through the third degree and the fourth degree

Attorney Arnold interrupted himself. And right here I want to call on your attention to a decision handed down by the court of appeals a day or two ago regarding the third degree.

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CITIZENS OF MISSOURI WIELD PICK AND SHOVEL

Good Roads Campaign Continues With Unabated Enthusiasm

(By Associated Press.)

KANSAS CITY, Aug. 21.—Encouraged with results of their efforts yesterday when, according to Governor Major's information, 200 miles of new highway was built, Missouri's good roads army started forth again today.

Although the number of volunteers who engaged in the first day's work exceeded expectations, reports from nearly every county indicated that a large number were wielding the picks and shovels today. In some districts farming operations statistically were suspended as the farmers decided the road improvement was the most important in which they could engage.

Governor Major, who, with Governor Hodges of Kansas, left Jefferson City early today to resume active work on the roads, was greatly pleased with the results.

"The first of Missouri's two good roads days was only a success that it exceeded our anticipations," he said.

"In addition to the 200 miles of new road, hundreds of miles of roads were made upon hundreds of miles of other roads. I am pleased also with the splendid road spirit that has been developed."

Governor Asks Other States to Co-operate

(By Associated Press.)

JEFFERSON CITY, Aug. 21.—Encouraged by the success of Missouri's good roads days, Governor Major announced this afternoon that he would ask each state in the union to join in the movement next year.

"At least 100,000 Missourians have labored during our two good roads days," said the governor, "making a total of half a million days' work on our state roads. Much good has been completed this evening.

The governor's statement included an expression of thanks to the women of Missouri for their co-operation.

THE "MOORE" KRYPTOK

Bifocals—well sell—the More pleased we are to see that Atlanta people appreciate the value of "made in Atlanta" goods Jno. L. Moore & Sons for More Optical service, 43 North Broad St.—(Advt.)

GRACE CHURCH REVIVAL HAS GREAT ATTENDANCE

The revival services at the Grace Methodist church continue to draw large attendance and the enthusiasm increases with each meeting. Evangelist Hale' sermons being greatly enjoyed and appreciated. A children' choir organized under the direction of Mr. Stapleton will give a special revival service Thursday afternoon at 4 o'clock. Mr. Hale will deliver his sermon on "The Home."

[illegible]

Gain in Gross Earnings is $270,892.54, Three Times That of Other Roads

Large sales over [illegible] of the Western and Atlantic [illegible] rail of commission [illegible] noon by the assistant [illegible] of the property.

The gain in the gross earnings [illegible] $270,892.54 and the net earnings [illegible] $94,966.14 for 1918 as against the year 1918. The advance in the net earnings per mile is $1,979.97 and the gross $5,641.94.

In this connection it was pointed out by Campbell Wallace, secretary of the railroad commission, that the gross earnings per mile of the Western and Atlantic are nearly three times as much as those of the Georgia Central, the Georgia and Atlantic and other railroads. The earnings of these roads is approximately $6,000 each as against the $23,227.27 shown in the report just received. The net earnings per mile show the same ratio in comparison to the roads mentioned.

The only improvement to the property shown by the report is the laying of a little over a mile of side track which brings the total rail mileage up to 180.89 as compared to 179.34 miles in 1918.

Following is the financial report in full:

Gross earnings, 1919, $3,103,006.03; 1918, $2,832,113.49.

Operating expenses, 1919, $2,375,; 1918, $2,108,886.95.

Net earnings, 1919, $728,136.03; 1918, $723,226.54.

Gross earnings per mile, 1919, $23,; 1918, $15,641.70.

Net earnings per mile, 1919, $4,074.53; 1918, $4,000.11.

Operating expenses per mile 1919, $13,262.97; 1918, $11,641.70.

Net earnings per mile, 1919, $4,074.53; 1918, $4,000.11.

It is a noteworthy fact that despite the increase in operating expenses as shown in the foregoing figures, a large gain was nevertheless registered, which would indicate that the state's property is yearly becoming more valuable as an asset to Georgia.

The rent derived by the state for the Western and Atlantic road is $450,013 annually, paid by the lessee, the Nashville, Chattanooga and St. Louis railroad. Subtracting this from the net earnings of the property it is seen that the profit into the coffers of the lessee was in the neighborhood of a half million dollars.

This lease expires in 1919 and in view of this there was appointed by the speaker of the house and the president of the senate, a committee to investigate into the terms of a new lease and make such recommendations as it sees fit to the next session of the legislature. The chairman is Darry Wright, of Rome, Floyd county.

CLOSER UNION BETWEEN ARMY AND THE PEOPLE

LITTLE ROCK, Ark., Aug. 21.—In accordance with the suggestion of Secretary of War Garrison, the battalion of troops stationed at Fort Logan H. Roots here will spend tomorrow in camp at the Little Rock City park in the children in opportunity to become more familiar with the workings of the army. Announcement to this effect was made today by Colonel Robert Holt, in command of the 39th U. S. regiment, stationed here. Colonel Holt argued that the army and the people should be brought into closer touch.

[illegible] statement christenedlittle

Make the Liver Do its Duty

Nine times in ten when the liver is right the stomach and bowels are right.

CARTER'S LITTLE LIVER PILLS gently but firmly compel a lazy liver to do its duty.

"Cures Constipation, Indigestion, Dyspepsia, Sick Headache, and Distress after Eating.

Small Pill, Small Dose, Small Price

Genuine must bear Signature

Brent Good

Booklovers' Bulletin

No. 16. Title, "The Way Authors Authors, & Publishers."

No. 17. Title, "On the Open Road." Authors, R. L. Stevenson.

A Message for You

IT'S a welcome message with good news---for it offers you a share in our profits---if you trade with us. We have adopted a new plan of advertising with the best line of premiums ever offered---all of them are articles of real worth. You can get these premiums easily by saving the coupons and certificates which our clerks are instructed to give out with every purchase. You get your goods at lowest prices, quality considered--- and, in addition, bigger premium values than anywhere else.

Daniel Bros. Co.

Atlanta's Greatest Clothing Store

You Wouldn't Go West Blindfolded, Would You?

If you go to Portland, Tacoma or Seattle without stopping off at Denver and Salt Lake City enroute, you are going through a wonderful country blindfolded. These two interesting metropolitan cities may be visited without extra expense or inconvenience when you travel over the

Union Pacific

This line traverses for two hundred miles the beautiful, scenic Columbia River, the St. Lawrence of the West. It also permits a side trip to Yellowstone National Park—Mother Nature's theatre—and the mecca of thousands of tourists.

Go now while these

Low Round Trip Fares

are in effect.

Tickets on sale up to September 30th. Good returning until October 31st. These tickets permit side trips to Vancouver and Victoria. Make your reservation today.

Splendid Daily Trains

from St. Louis, Kansas City, Chicago or Omaha.

Let us help you plan the details of your trip. Write for literature.

A. J. PITCHER, G. A.
Ball Office Building
Atlanta, Ga.

C. H. HULSEWE, T. P. A.
Ball Office Building
Atlanta, Ga.

Friday and Saturday SPECIALS

100 dozen Goodwin's Preserves; 16 oz. jars, well regularly in our stores at 40c, this sale, only 25c.

ROGERS PURE 36 FOOD STORE

A big shipment of fresh North Carolina Apples; fine for eating or cooking. Peck . . 35c Half pk. 18c

5c Reduction on All Grades Rogers' Fresh Roasted Coffees

A good cup of coffee is appreciated by almost everyone. The scientific blending of the highest grades of the best coffees and roasting it fresh every day assures you of a good cup with a fine flavor and fragrant aroma when you buy Rogers' Fresh Roasted Coffees.

For Friday and Saturday we have reduced the price 5c per pound, and in anticipation of the enormous sales this announcement will create, our mammoth roaster is running overtime to supply our 36 stores.

25c Santos Blend 20c. 35c Regal Blend 30c
30c Java Blend 25c. 40c Royal Blend 35c

Fancy Missouri Elberta Peaches, basket 50c

Fine Georgia Yams, peck . 35c
Half peck 18c

Good, Sound, Ripe Lemons, full of juice, dozen . . . 14c

BETTER-BREAD 3c The Loaf
Double Loaf 6c

When you buy bread you should get the best. Better-Bread is without a doubt the best bread baked in Atlanta. It is baked in our own modern, sanitary bakery which occupies the entire top floor of our mammoth warehouse, and solely by white bakers. The choicest materials, the latest improved machinery, the constant care exercised and absolute cleanliness required and the expert bakers employed serve to produce that most delicious, crisp-crusted loaf of Better-Bread you buy at the Rogers' 36 stores. It is delivered fresh every morning. And Better-Bread is only 3c the loaf. Why pay 5c for bread not nearly so good or so fresh?

Delicious Piedmont Jelly Roll. 10c
Rogers' Special Pound Cake 20c
Best Graham Bread 5c; Best Rye Bread 5c

4 Solid Carloads Flour Received This Week

Two solid carloads Merry Widow Self-Rising Flour, one carload La Rosa Fancy Patent and one carload Economy Self-Rising Flour—four solid carloads in all—received by us and delivered to our 36 stores this week.

Our sales on these brands are increasing daily. The quality, the price and the freshness of the goods is the reason.

24 pounds LaRosa 60c
24 pounds Economy 80c
24 pounds Merry Widow $1.00

2,500 pounds New Crop Fancy Head Rice; the finest we have ever had, pound 10c

Old Crop Head Rice, pound . 7½c

Piedmont Hotel Brand Sugar Corn, sold by us regularly for 15c 10c

Franco-American Chicken Broth for invalids, can 12c

Piedmont New Grass Butter

New grass, fresh churned butter. That's the kind you get when you buy Piedmont Hotel Brand. It comes direct from the churn, through the Rogers Stores, upon your table the third day after its manufacture. And we are having it packed four-quarter pound cubes to the carton for table convenience.

2 Days 35c Pound

Special Drives for Boarding Houses and Quantity Buyers

30-pound pail Apple Jelly $1.50
5-pound Stone Creeks Preserves 64c
New pack No. 3 size Piedmont Hotel Brand Tomatoes; dozen $1.15, case $3.25
New pack clear Lake Brand Early June Peas; dozen 95c, case $1.85
100 pounds Granulated Sugar $4.85

For Iced Tea Use Ridgways

When sultry summer breezes intensify your thirst and ice water fails to relieve it, it's time to try Ridgways tea, iced. Its rare savor and invigorating qualities make it pre-eminently the hot weather drink. It is blended specially for making iced tea.

Capitol Household Blend, quarter-pound 12c
Five o'Clock Blend, quarter-pound 18c
Her Majesty's Blend, quarter-pound 20c

Remember! BETTER-BREAD Is Only 3c

Both Sides Concluded Their Cases Wednesday Afternoon

Frank the Final Witness Put on Stand By Defense; Denies Improper Conduct

State, in Rebuttal, Puts Up City Fireman W. C. Dobbs, Who Swears That Motorman Matthews, Three Days After the Tragedy, Told Him That Mary Phagan Rode to Town With George Epps and Got Off Car at Marietta and Forsyth Streets

The introduction of evidence in the Frank trial was concluded just before court adjourned Wednesday afternoon—the twenty-fourth day that the trial has been in progress. The state, after putting up many rebuttal witnesses, announced "closed" at 4:45 o'clock, and the defense made the same announcement at 5:15 o'clock, following the examination of several sur-rebuttal witnesses. The defense closed with the defendant on the stand.

Frank declared that Will Turner, the sixteen-year-old boy, who swore he saw the defendant talking with Mary Phagan in the factory last March and that the girl was backing away at the time, had testified falsely. He also branded as absolutely false the testimony of the young women who swore that they had seen Frank going into a dressing room with Miss Rebecca Carson, the pencil factory forelady.

Frank told the jury that Miss Carson was a young woman with an unblemished reputation. As the defendant stepped from the stand and his attorneys announced that the defense had closed, Mrs. Frank, the defendant's young wife, wept softly.

With the exception of Frank's second brief statement the defense introduced but five sur-rebuttal witnesses. J. M. Asher, N. E. Starr, I. Y. Brent and Miss C. S. Haas, all testified that they had overheard George Kendley, the street car man, attacking Frank and expressing the opinion that he was guilty and ought to be hung. Kendley was the witness who swore that he saw Mary Phagan on Forsyth street, at Alabama, at about 12:05 on April 26.

Nathan Sinkovitz, a pawnbroker, swore that M. E. McCoy had pawned his watch with him at intervals during the last two years and that it was in pawn on April 26. McCoy on Tuesday testified that he had seen Mary Phagan on Forsyth street about 12 o'clock, April 26, and that he knew the time because a few minutes prior to that time he had consulted his watch.

Among the rebuttal witnesses called by the state Wednesday afternoon were the following:

W. C. Dobbs, a city fireman, swore that three days after the murder of Mary Phagan, W. M. Matthews, the motorman on the English avenue car line, told him Mary Phagan rode into the city on April 26 with George Epps, the newsboy, and that both left the car at Forsyth and Marietta streets.

Oxel Tillander and E. K. Graham, who went to the pencil factory on the morning of the 26th, testified they saw a negro sitting at the foot of the staircase and that he directed them to Frank's office. They couldn't identify Conley as the negro, but said he was about the same size.

J. M. Gantt, former timekeeper and shipping clerk at the factory, swore that the factory clocks were inaccurate and varied from three to five minutes every twenty-four hours.

J. W. Coleman, Mary Phagan's stepfather, said the pay envelope introduced by the defense, and said to have been found on the first floor near the stairs, was not the same one shown him by the Pinkerton detectives.

W. W. Rogers testified that the trap door in the rear of the factory was fastened the day after the murder and the stairs were covered with dust and cobwebs.

Ivy Jones, a negro driver, swore he saw Conley at a saloon between 1 and 2 o'clock of April 26.

W. M. Matthews, the motorman of the street car on which Mary Phagan came to town, was recalled to the stand by the state.

W. C. Dobbs was in court for the purpose of identification.

"Did you ever see this man?" the solicitor asked, pointing to Dobbs. "You saw him about three days after the murder, didn't you?"

"Yes, sir, I did."

Dobbs then was excused from the court and the examination of Matthews continued.

"Did you have a talk with that man, W. C. Dobbs?" asked the solicitor.

"I don't remember it."

"Didn't you tell him you saw Mary Phagan and George Epps come to town together Saturday, April 26?"

"I never told anybody that."

"Who are some of your neighbors? Do you see any of them in court?"

"No."

"Stand up. Take a good look around," directed the solicitor.

The witness did so.

"Look over there," said the solicitor, pointing to one end of the court room.

Attorney Arnold objected. "I object to this hunt for neighbors," said he. He was sustained by Judge Roan.

"Didn't you tell after the murder that you owed a debt of gratitude to some one connected with the defense in this case?"

Attorney Rosser: "I object to that question."

"No," replied the witness.

WITNESS ONCE TRIED FOR MURDER.

"How long is it since you have been tried here in this court?"

"About two years."

"Who were your lawyers at that time?"

"Moore & Branch, and Colquitt & Conyers."

The solicitor's questions referred to a trial in which Matthews was the defendant on a charge of murder, the deceased being a young boy who Matthews said had attacked him with other boys one evening at the terminus of his line.

On cross-examination by Mr. Rosser:

"How often have you ever spoken to me in your life?" asked Mr. Rosser.

"Two weeks ago was the first time I ever spoke to you."

"How often has you ever spoken to Mr. Arnold?"

"I never saw Mr. Arnold till I saw him in court here."

"How often have you ever talked to this man?" pointing to Frank.

"I never spoke to him in my life."

NO PERSONAL INTEREST IN CASE.

"Have you any personal interest in this case?"

"No."

"The offense you were tried for was that a man assaulted you on your car and you had to kill him, wasn't it?"

"Yes, sir."

"They let you out on a $500 bond, didn't they?"

"No, sir, on a $1,500 bond."

"You were acquitted, weren't you?"

"Yes, sir."

"You worked for the company before, and you still are at work for the company, aren't you?"

"Yes, sir."

The next witness was W. C. Dobbs. He is a member of the city fire department. He testified that he knows Motorman Matthews, and that about three days after the murder he got on Matthews' car and rode out toward English avenue. He testified that he asked Matthews what he thought about the murder, and that Matthews said in his opinion Frank "was the man who done it."

"Wait a minute," interrupted the solicitor. "We only want you to testify about what Matthews said to you in regard to Mary Phagan being on his car."

MARY PHAGAN RODE WITH EPPS.

Continuing, Dobbs testified that Matthews told him then that Mary Phagan and George Epps came to town on his car and got off at the corner of Forsyth and Marietta streets.

Attorney Rosser asked the witness questions.

"Are you related to Sergeant Dobbs of the police department?"

"Yes, sir, he's my father."

"He's one of the men who's aiding [illegible] and testifying in this case, isn't he?"

"Yes, sir."

W. W. Rogers was recalled to the stand. He was one of the early witnesses introduced by the state.

TRAP DOOR FASTENED.

Rogers testified that on Sunday morning, when he went to the National Pencil factory, he made an effort to come up from the cellar to the first floor by way of the staircase in the rear of the building. He testified that the staircase was covered with dust and cobwebs which appeared not to have been swept in a long time, and that the trap door at the top of the stairway was fastened down so that he could not raise it from below. He testified that about a foot and a half from the bottom of the chute in the basement there was a pile of shavings.

Rogers was excused, and Sergeant Dobbs was called to the stand. The sergeant corroborated Rogers, the latter having stated that Sergeant Dobbs was with him in the basement.

Neither was cross-examined.

SAW NEGRO AT FACTORY.

The next witness was Oxel Tillander, one of the two men who went to Frank's office Saturday morning, April 26, in regard to the two boys who had an altercation in the factory the previous day and were sent to police station; the man who went with him being E. K. Graham.

Mr. Tillander testified that on the first floor of the factory, just inside the front door he and Mr. Graham met a negro. He testified that he asked the negro where he could find the office of the pencil factory, and that the negro told him to go upstairs and turn back to the right.

COULDN'T IDENTIFY CONLEY.

He testified that he had seen James Conley this morning, but could not be positive whether Conley was the same negro he saw in the factory, although he said that Conley is about the same size of that negro. He said that he saw a stenographer at work in the outer office, and saw Frank at his desk. He and Mr. Graham went up there, he said, to get the pay envelopes of the two boys.

Mr. Graham was called to the stand. He corroborated Mr. Tillander's story about the negro, with the exception that he said according to his recollection the negro they saw in the factory was "brighter" in color than James Conley.

NOT SAME PAY ENVELOPE.

J. W. Coleman, stepfather of Mary Phagan, was called to the stand. Attorney Rosser said he had no objection to offer, but just called the court's attention to the fact that Coleman had been in the court room.

"Do you remember having a conversation with a Pinkerton detective named McWorth?"

"Yes."

"Did he exhibit to you a part of a pay envelope that he claimed to have found in the factory?"

"He did."

"What figures did that have on it?"

"It had the figures 1 and —"

Then Solicitor Dorsey interrupted. "Is this the envelope?" The solicitor showed to him the envelope identified by McWorth and previously out in evidence.

"That doesn't look like it to me," said Mr. Coleman.

The witness continued that the envelope piece that he saw had a figure 1 and then a figure he couldn't make out, and then the figure 5, on it.

"What did you tell McWorth?" asked the solicitor.

"I told him that it wouldn't suit, because Mary drew $1.20 that day."

This concluded the direct examination, and there was no cross-examination.

Harry Scott, the Pinkerton detective, was called and did not answer.

J. M. Gantt was called to the stand.

"Did you ever see Frank making out the financial sheet?" asked the solicitor.

"Yes."

"How long did it take him?"

"From an hour to an hour and a half after I had furnished to him the data."

FACTORY CLOCKS INACCURATE.

"Are the time clocks they have in the factory—the ones they punch—accurate?"

"No, sir."

"What do they vary in twenty-four hours?"

"About three to five minutes."

Attorney Rosser: "Yet you worked by it and paid the little girls by it?"

"Yes."

"That's all," said Mr. Rosser. "Wait a minute," said Mr. Dorsey.

"How often were the clocks regulated?"

"Two or three times a week."

The defense objected, and the solicitor declared that he would lay the foundation for the question and answer by his next witness, and the court held a rule in abeyance.

Herbert Schiff, who was sitting beside Frank, was told to take the stand.

"What was due Mary Phagan the week she was killed?"

"One dollar and twenty cents."

SCHIFF EXPLAINS BOOKS.

"Mr. Schiff, I want you to show where there is entered on any book the $3 White borrowed."

"It's entered on this book. It's entered as $4," said Schiff.

"Why is that?"

"I lent him $2 later in the week and put the total on the book."

"Where is any slip that Frank made out about that?"

"When we take the slips from the cash drawer we always tear them up, and I tore that one up myself after putting the total on the book."

"What does 'P. W.' on these books stand for?"

"'Piece work,' said the witness.

"You, or rather the National Pencil company, was served with a subpena duces tecum to bring all papers with reference to the injury of this man Duffy into court. Did you bring any signed by Charlie Lee?"

"I don't remember that I did. There's no reason why Lee should have signed one."

"Is the paper that Mr. Haas produced in court the only one that you know of about that injury?"

"Yes."

"Charles Lee's handwriting is not on it, is it?"

"No."

"Is it true that you showed Lee in your office any paper signed by himself about that?"

"No."

TELLS OF PAYROLLS.

"What was the amount of the payroll on the week preceding the tragedy?"

"I don't know. It was over $1,100 I think."

"How much was left over Saturday?"

"I don't know. Probably five or six envelopes."

The solicitor exhibited a pay envelope from the factory and asked if it was not customary to fill all pay envelopes out as that one was.

The witness said yes, except that the amounts sometimes were placed in different parts of the envelope.

"From the time Gantt left the factory did you get any new time clocks?"

"No."

"How often did a man named Price come to adjust these clocks?"

"I can't say."

"How long before the tragedy was he there?"

"I don't remember."

"How long after the tragedy?"

"A short time—two or three weeks."

"What did he do?"

"I think the clock was clogged by some ribbon, and he fixed that."

Attorney Rosser cross-examined the witness.

"What do you have in making out accident reports when anybody is hurt?"

"They come to the office, and the hurt is bandaged, and if it is bad enough they are sent to the hospital. If it's not too serious we make out a report right there. And if there were any witnesses, we fill out a blank, telling what they saw, and read it to them."

"Well, the original of this—is it in the hands of the insurance company?" asked Mr. Rosser.

"Yes, the Travelers' Insurance company has the original."

"How much did you draw for the payroll on Friday, April 25?"

"We got $1,174.80 out of the bank."

"Taking out the loans that were during the week, was that the amount of the payroll?"

"Yes, just exactly."

"How much were the loans that week?"

"$12 or $20, or not that much."

"What was the condition of the time clocks?"

CLOCKS REGARDED AS ACCURATE.

"We always regarded them as accurate. In fact, I used to go out to them frequently at noon about the time the whistle would blow. You could hear it in there very plain, and if they weren't right I set them. You could do it easily. You just had to open a little door."

The witness was excused.

Ivy Jones, a colored driver for Walker Bros., was called to the stand.

"Did you see Jim Conley on the afternoon of Saturday, April 26?"

"Yes."

"Where did you see him?"

"I met him at the saloon at Hunter and Forsyth streets."

The witness testified that sometime between 1 and 2 o'clock he met Conley in this saloon, and that with Conley he walked up Forsyth street to Mitchell and then to Mangum street along Mitchell, and then to Davis street, and out Davis street to Hunter street.

"How do you fix the time?"

"Well," I got off from work at 1 o'clock, and it was just after that."

CONLEY WAS NOT DRUNK.

"Was Conley drunk?"

"No, sir, he wasn't drunk."

"Is it very far from Davis and Hunter streets to Conley's home?"

"No, sir."

"Is the route you took from where you met Conley to where you left him, toward his home?"

"Yes, sir."

"What time do you estimate you left Conley?"

"A little after 2 o'clock, I guess."

Attorney Rosser cross-examined the witness.

"Conley got some beer at that saloon, didn't he?"

"Yes, sir. I bought him some."

"And he bought some, too, didn't he?"

"Yes, sir."

"You both bought some?"

"Yes, sir."

The witness was excused.

DETECTIVE SCOTT EXCUSED.

Detective Harry Scott, of the Pinkertons, was recalled to the stand.

"On Tuesday, April 29, Mr. Scott, did you search the staircase and basement of the National Pencil factory?"

Attorney Arnold objected. "It's been gone over already," said he. Judge Roan sustained him.

Pointing to the scuttle hole on the diagram, which leads from the first floor to the basement, Solicitor Dorsey asked the witness if he saw any blood spots there.

Attorney Rosser objected on the ground that the witness already had testified along that line. The solicitor changed his questions.

"Mr. Scott, when did the state first know about the club and the whip stock?"

Attorney Rosser objected. "I don't see how that's relevant," said he. "I don't care when the state found it out. We never knew Dr. Harris was going to testify, either, till he got on the stand."

JUDGE ALLOWS QUESTION.

Judge Roan overruled the objection. Attorney Rosser said, "Let it go into the record, then, if you're going to overrule it."

Judge Roan replied, "All right," and Scott answered the question.

"I personally informed you about it on July 28," said Scott, "after that I found out about it myself. I was in our office when Detective John Black came up to see it."

Attorney Rosser objected to the answer.

Solicitor Dorsey: "I want to show that the head man of the Pinkertons showed him this buggy whip stock, and never showed him the club at all."

Judge Roan, however, sustained the objection this time.

"Did you pick up any cord when you went through the basement of the pencil factory with Frank?" asked the solicitor.

"I think I did."

"Did you or Frank pick it up?"

"I'm not certain, I think I did."

"How did the detectives first get the information that Conley could write?"

"I first found out from McWorth and another of my operatives."

Attorney Rosser objected to the question and answer, but was overruled.

"Tell us what you did after you found out Conley could write?"

Attorney Rosser objected on the ground that the subject had been gone into on direct examination, and was sustained.

"In reference to Darley, what passed in the conversation between you, Detective Black, and Frank?"

HAD FACTS OF DARLEY.

"Frank said Darley was the soul of honor. He said that Darley couldn't be responsible for a crime like that. We told him that we had the facts that Darley had associated with other girls in the factory, and that he was a married man, and that it looked mighty bad. I forget whether he said he had heard it or not."

"Was there any such term as 'nothing doing' used in that conversation?"

"No, sir."

L. S. KENDRICK CALLED.

L. S. Kendrick, formerly a night watchman at the National Pencil company, was called. The first question asked by the solicitor was as to whether or not he, the witness, had ever held any conversation with Holloway in regard to him, Kendrick, swearing that Frank had never called him at night while he was night watchman.

Attorney Rosser objected, and there was a lengthy argument, and finally the solicitor passed over this matter and took up another line of questions, and stated that he would submit his authorities later. If the court ruled with him, he said, he would recall Kendrick to the stand.

Kendrick stated in response to other questions by the solicitor that he was there two years or maybe more. He was asked if he had ever seen any men and women together in the office on Saturday afternoons. He had, not, he replied.

"Did you ever fix a time slip so that it would show a whole night's work?"

"Yes, I fixed one, one night after the murder. I don't remember the day exactly."

Solicitor Dorsey handed to the witness a time slip which he identified as the one that he had fixed.

"How long did it take you to fix that time slip?"

"Two or three minutes."

"Did the time clock ever need setting?"

"Yes, sir. I should say it needed setting about every twenty-four hours."

"How much variation would it show usually?"

"Anywhere from three to five minutes."

"If the machinery was going in the factory, could you hear the elevator?"

"I should say you would not be likely to hear it on the top floor unless you were close to it."

"On the night after the murder, did you observe the stairway and the chute leading down into the basement in the rear of the building?"

"Yes, sir, they were both very dusty, and the trap door to the stairway was closed."

HAD SEEN CONLEY THERE.

"Did you ever see Conley around the first floor of the factory on Saturday afternoons?"

"Yes, sir, when I've been by there to get my money I've seen negroes down there."

"Did you ever see Conley there?"

"Yes, sir."

The witness was cross-examined by Attorney Rosser.

"The negroes were sweeping down there, weren't they?"

The witness did not make his answer very plain, but Attorney Rosser persisted and finally he admitted that they might have been sweeping.

"Who corrects the clock?"

"Sometimes I did and sometimes Holloway."

"What time did you correct it?"

"Mostly every morning."

"Were you ever on the fourth floor when the machinery was shut down and the elevator was running?"

"Yes, sir."

"When?"

"I don't remember the date."

VERA EPPS TESTIFIES.

Vera Epps, aged eleven years, was the next witness. Although brought in as a state witness, she practically corroborated the statement by John Minar, a Georgian reporter, relative to his visit to the Epps home the Sunday after the tragedy.

Vera said that she told the reporter that she saw Mary on the Thursday preceding the last time, but said she did not know whether or not her brother George heard her say that. She said that George had nothing to say to the reporter about having seen Mary Saturday. In that she corroborated George Epps, her brother.

SAW DALTON ENTER FACTORY.

C. D. Maynard was the next witness. He said he knew C. B. Dalton, and that on one Saturday afternoon in June or July, 1912, he saw Dalton going into the National Pencil factory with a woman. He described the woman as weighing about 125 pounds. He did not remember her well. The hour was between 1:30 and 2 o'clock in the afternoon. The witness described himself as a [illegible] for the [illegible].

On cross-examination, Attorney [illegible] asked him [illegible] Dalton when he saw him [illegible] factory. The witness replied that he did not.

Conductor W. F. Hollis, of the trolley company, was called.

"Do you remember having a conversation with J. D. Reed on April [illegible] relative to the murder?"

The witness said he did not.

"You swore when you were on the stand before that you did not remember seeing Epps on the car, didn't you?"

"Yes."

J. D. Reed, of Kirkwood, was called in, and Hollis said Reed often had ridden on his car. Hollis was not cross-examined and Reed took the stand.

Replying to the solicitor's questions, he said that on Monday after the tragedy coming to town on Hollis' car they got to talking about the murder, and Hollis said it made him feel mighty bad to think he brought the little girl on her last trip. Hollis told him, the witness swore, that Mary was talking to a little boy whom he afterwards learned was her sweetheart, George Epps.

The witness was excused without cross-examination, and Detective J. N. Starnes took the stand again.

Detective Starnes testified that he examined the area around the scuttle hole on the first floor of the factory and that he found no blood spots. Other questions which the solicitor asked him were objected to because the defense claimed they were merely repetitions.

MINOLA M'KNIGHT'S ARREST.

"Then tell us about Minola McKnight's arrest," said the solicitor.

Starnes, talking slowly without interruption, said "Campbell and I were at the solicitor's office, where Minola had been brought by a bailiff. We have information that she had valuable evidence which she wouldn't give us, and we placed her under arrest, turning her over to a wagon man. We did not see her until the next day, when we called Messrs. Pickett and Craven down and asked them to interview her. When they were in the room, I asked her whether she would rather talk to them by themselves, and she said yes, and we left the room. We didn't go back until we were called. Then I told her that all we wanted was the truth, and that we did not want her to say anything that was not the truth.

"Craven had started taking her statement in long hand, but we called in Stenographer February. While she was making her statement, I saw Attorney Gordon and told him that if he wanted to we would be glad for him to come in and hear her make the statement. When he got there, February had part of the statement down, and we had him read it over for the benefit of Gordon. When it was finished, February took it out and wrote the statement on the typewriter, in the presence of Craven, Pickett, Campbell, Attorney Gordon, Albert McKnight, and myself, the statement was read to Minola and she said it was correct and signed it. I don't remember Attorney Gordon making any demand on us, except for information about her."

DORSEY DIDN'T ORDER ARREST.

Solicitor Dorsey: "Did I order or authorize her arrest?"

"You did not," said Mr. Starnes.

"Did I direct you when to turn her loose?"

"No. You said for me to exercise my own discretion."

Attorney Rosser cross-examined the witness.

A STORMY EXAMINATION.

Attorney Rosser went after the witness vigorously, to elicit admissions that Minola McKnight had been coerced into making the affidavit. The cross-examination was rather stormy, and was marked by minor clashes between the attorneys.

"When you arrested Minola McKnight, you did it because she didn't make the kind of statement you wanted, didn't you?" demanded Mr. Rosser. "I want to know what excuse you had for locking her up."

"Well, we were working on this murder case—"

"I don't want to know that," said Mr. Rosser.

Mr. Dorsey: "I submit, your honor, that the witness ought to have time to answer."

"I withdraw that question," said Mr. Rosser. "What authority did you have for locking up Minola McKnight? Do you lock 'em up whether you have the right to or not?"

"I did it for the best interests of the case I was working on."

"You arrested her in Solicitor Dorsey's office, didn't you?"

"I arrested her on the sidewalk in Central avenue after she had walked out of the solicitor's office."

"She was screaming and hollering in Dorsey's office, wasn't she?"

"No, sir, I don't think she was. We arrested her on the street and then put her in the patrol wagon to send her to the police station. She started in screaming then."

NOT IN DORSEY'S OFFICE.

"Are you sure you didn't arrest her in Dorsey's office? Where did you call the 'Black Maria' from?"

"My recollection is that we called the wagon from Corrigan's office."

"Well, that's right across the hall from the solicitor's office, isn't it?"

"Yes, sir."

There followed numerous questions and interruptions and objections and arguments. Sometimes two or three were talking at once. Finally Attorney Rosser asked: "Solicitor Dorsey didn't disapprove of arrested this woman, did he? He didn't say: 'Mr. Starnes, this is a violation of the law. Don't lock her up.' He didn't say that, did he?"

"I don't think so."

"Well, now after she had been in jail twenty-four hours, you went to her and asked her if she'd rather make a statement to you than to these gentlemen that work at Beck & Gregg's, didn't you?"

"We waited outside till she was ready to make the statement."

[illegible] had no warrant for the arrest [illegible]

"You had no charge of a crime against [illegible]?"

"No crime. My purpose was to get the truth, whatever it was. I said to her, 'Minola, if it ain't the truth, we don't want you to tell it. We only want to get the truth of this thing.'"

"Didn't you say you telephoned Dorsey about turning her loose after she made her statement?"

"I don't remember now whether I telephoned him about that or not."

The jury left the court for a brief recess.

Attorney Rosser continued the cross-examination after court resumed.

PHONED TO DORSEY.

"Didn't you say you telephoned twice to Dorsey, Starnes?"

"My recollection is that I phoned him that Minola had made a statement, and also told him that George Gordon, her attorney, was coming up to see him."

"What did he want to see Dorsey for, if the solicitor had nothing to do with holding her? What did you want with his permission if he had nothing to do with the case?"

"He was associated with the state in finding the murderer. I didn't want to act without his advice."

"What did you say in your second telephone conversation?"

"As I recollect it, he called me the second time. He told me that if the chief was willing, he didn't see any reason why we shouldn't turn the woman loose."

Starnes then was excused from the stand.

STATE TENDERS DOCUMENTS.

The documentary evidence tendered by the state was as follows: Portions of the testimony of Miss Hattie Hall before the coroner's inquest; affidavit of Wade Campbell; parts of the Minola McKnight affidavit; bloody shirt found in barrel at Newt Lee's house; report from the pencil factory to the liability insurance company, on the injury of J. E. Duffy; affidavit made by Lemmie Quinn to the solicitor; portions of Lemmie Quinn's testimony to the coroner's inquest; record of the proceedings to transfer James Conley from the Fulton county jail to the police station; James Conley's police record; photograph of Frank's handwriting identified by his mother; bottle containing cabbage taken from Mary Phagan's stomach; a piece of envelope found by Barrett under machine on the second floor; portion of E. F. Holloway's signed statement to the solicitor; portions of the testimony of Emil Selig before the coroner's inquest; portions of the testimony of Mrs. Emil Selig before the coroner's inquest.

At 4:45 o'clock Solicitor Dorsey announced to the court that the state had closed its case.

FIRST SUR-REBUTTAL WITNESS.

T. Y. Brent, employed by the defense as a subpena server, was called by Mr. Arnold as his first witness in sur-rebuttal. Witness testified that he knew George Kendley, the street car man who on Tuesday testified that he saw Mary at noon on the day of the tragedy. The witness said he had heard Kendley express his feelings in the case while he was riding on the car with him to Fort McPherson. He said that Kendley was very bitter toward Frank, and that he (Kendley) said he felt about this case like he did about the case of two negroes hanged in Decatur. He said he didn't know whether or not they were guilty, but that some negroes had to hang for the murder of a street car man.

On cross-examination, the solicitor asked: "Are you the Brent that lives at 4 Williams street?"

"Yes."

"Did you ever work for the Woodward Lumber company?"

"Yes."

"Why did you leave them, and what was the charge against you?"

Mr. Arnold objected. Judge Roan ruled out the question.

"Are you the Brent who went through the factory with Dr. Billy Owen?"

"Yes."

PLAYED CONLEY'S PART.

"What part did you play in the drama?"

"That of Jim Conley."

"Come down," said the solicitor.

N. E. Starr, who lives on Washington street, was the next witness. He said he knew Kendley, the street car motorman; that he talked to Kendley on a car going out Washington street; that he heard Kendley say Frank was as guilty as a snake, and that if the court did not convict him he would be one of five or seven men to get him. The witness was not cross-examined.

Miss C. S. Haas was the next witness. She testified that two weeks ago, going out Washington street, the trolley car man, Kendley, was a passenger; that she heard him talking about the Frank case. She said he declared that circumstantial evidence was the best evidence to convict on; that 90 per cent of the good people of the community, including himself, thought Frank was guilty. The witness said that a young man sitting by him disputed the point, and that Kendley turned to him and said sneeringly, "You work for a Jew." The state objected to Miss Haas' testimony, but Judge Roan ruled that it was admissible.

M'COY'S WATCH WAS IN PAWN.

Nathan Sinkovitz, a pawnbroker, was called. He testified that he knows M. E. McCoy, who testified Friday that he looked at his watch and shortly after [illegible]

"When did he pawn it?"

"On January 11, 1913."

"Where was it on the date of [illegible]?"

"I had it."

"When did he pay up and take the watch? I want to [illegible] the trial."

"On August 16 [illegible]"

"Did he have any watch at that time?"

"No, he had to [illegible] at [illegible] place to see the watch."

"Did you ever know him to [have any] other watch?"

"No, sir."

"And he's been pawning this [watch with] you for two years, hasn't he?"

"Yes, sir."

On cross-examination, Solicitor Dorsey asked: "What kind of a looking [man] is Mr. McCoy?"

"He's a tall man."

"You don't claim to state, do you, that that was the only watch he had? That was just the only one he pawned to you?"

"That's the only one I ever [saw]."

The witness was excused. Solicitor Dorsey moved that all of the witness' evidence be stricken from the record, on the ground that McCoy, when on the stand, did not testify that he looked at his own watch. Attorney Rosser said: "He said 'my watch.'"

Judge Roan: "We'll let it go for what it's worth, Mr. Dorsey."

HEARD KENDLEY ATTACK FRANK.

J. M. Asher was called. He testified that he was on a Washington street car about two weeks ago between 12 minutes to 1 and 5 minutes to 1, and that Kendley attacked Frank. The witness said that he himself was talking to a man sitting beside him in the seat, and that the street car man, then as a passenger at the time, was sitting across the aisle one seat back, and several people in the car were listening without invitation and said he violently attacked Frank. The witness testified that he was so incensed that he took the number of the street car and reported him.

Solicitor Dorsey questioned the witness on cross-examination.

"Did the company discharge [him]?" he asked.

"I don't know."

"You just went by the number, did you?" asked the solicitor.

Attorney Arnold said: "If there's any doubt about it, call him in."

Kendley then was called in and identified by the witness.

Asher was excused.

He was the last sworn witness in the trial.

When he stepped from the stand, Attorney Arnold addressed the court and said: "Your honor, two or three matters have come out in the rebuttal that the defendant ought to make a statement about. We ask your permission to let him take the stand again."

Solicitor Dorsey said: "The defense has no right to make more than one statement."

FRANK BACK ON STAND.

Judge Roan: "I'm going to allow it. Let him confine himself exclusively to the rebuttal, though."

Leo M. Frank, the accused, took the witness chair and again not under oath said:

"In reply to the statement of the Turner boy, I want to say that what he said is absolutely false. Regarding the statement that I talked to Mary Phagan and called her 'Mary,' witnesses are mistaken. It is not impossible that I did talk to her, but I never saw her by name. The statement made by the girls that they saw me going into a room with Miss Rebecca Carson is absolutely false. She is a woman of unblemished reputation."

Frank stepped from the stand.

Attorney Arnold announced to the court that the defense had two more girl witnesses from the fourth floor of the pencil factory who would testify that they knew of no misconduct on the part of Frank and that his character was good.

Solicitor Dorsey said that this would not be sur-rebuttal evidence, and he thought it was inadmissible.

Attorney Arnold waived the point.

DEFENSE CLOSED AT 5:15.

Attorney Arnold announced that at 5:15 o'clock, that the defense closed.

After some discussion informally among the lawyers and the court, it was agreed that the arguments will begin Thursday morning.

Judge Roan announced that he would suspend the rule limiting the attorneys to four hours.

Court then adjourned at 5:30 until 9 o'clock Thursday.

Attorney predicted that the probable length of time of each argument would be two hours. That would make a total of eight hours or one day's session. Following the arguments there will be the charge of Judge Roan to the jury.

As the defense closed, Mrs. Leo Frank began weeping softly.

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