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OIL LETTERS KILLED HIM POLITICALLY, SAYS FORAKER

Exposes by William Randolph Hearst Responsible for Downfall, Declares Former Senator Before Senate Lobby Inquiry.

Official of National Manufacturers' Association Writes Democratic Simplicity Will Mean Union Label on U.S. Stationery.

WASHINGTON, Aug. 9.—Former Senator Foraker admitted to the Senate Lobby Committee to-day publication by William Randolph Hearst of the famous Standard Oil letters killed Foraker's chances for re-election to the Senate in 1908.

After identifying a letter received from Martin M. Mitchell, the confessed ex-lobbyist, making a report of political activities in Ohio in Foraker's behalf, the former Senator said:

"It was the morning of the day Mr. Hearst's disclosure was made public. An attack had been made on me by Mr. Hearst which destroyed my chances of election, saying I had acted as counsel for the Standard Oil Company. This had created a sentiment in our State very prejudicial to me. I continued as a candidate in the campaign only because to retire from it after I had become a candidate would look like an admission that there was some justification for the attack, whereas there was not any."

Senator Foraker said Muhall, whom he had known thirty years, greatly overestimated his own importance.

No Aid From N. A. M.

Foraker said he had never received aid from the National Association of Manufacturers and while he received a fee of $500 for the part he played in the sale of the Union Pacific Railroad in 1896, he was not in the employ of either David Lamar or Edward Lauterbach in an injunction case against the Union Pacific in 1903.

The House Investigating Committee opened its probe with introduction of correspondence showing the activities of the National Association of Manufacturers in fighting labor legislation in Congress and various attempts to have "conservative" men named as members of House committees.

Discussing the recent sundry civil bill, with its provision prohibiting the expenditure of certain funds for the prosecution of farmers and labor unions under the Sherman law, James A. Emery, counsel of the N. A. M., wrote to President John Kirby, Jr., of the association, on March 7, 1913, after President Taft had vetoed the bill:

"I want to emphasize as hard as I can the importance of lining up for a tremendous demonstration when this bill reaches President Wilson, as it undoubtedly will, with the same provision in it. You will then have an early opportunity to decide whether the glittering Democratic motto, 'Equal right for all and special privilege for none,' means anything or whether the Administration has surrendered completely or will merely turn over the Department of Labor.

Objection to Secretary Wilson.

"I note, by the way, your reference to a letter from C. W. Post on the question of a protest over the appointment of Wilson (Secretary of Labor). A protest on this subject is a mere waste of breath, and on the whole I am inclined to think the whole purpose of this department will be shown up quicker with the unions in control of it than in any other way. Gompers will run it characteristically with a high hand, and if the whole thing does not smell to Heaven within a year I shall be very much astonished.

"By that time Democratic simplicity will probably mean a union label on the White House stationery and the President will be dining with the Waiters' Union over the appointment of his steward. At present we have nothing more startling in Jeffersonian simplicity than the news Mrs. Bryan is making a new suit for the Secretary of State, and cakes and ginger ale will be served at the dinner for the British Ambassador. Toothpicks will, of course, be an after dinner course at all Cabinet receptions, and the demand for dress suits will be confined to waiters in the hotels."

In the same letter Emery advised Kirby, "If you have any idea Taft would have vetoed this bill of his own motion, get over it. A list of public men who had 'die' in this $113,000,000 appropriation bill included many prominent men in both Houses."

Folly of Suffrage Shown by Dresses, Says Mrs. Marshall

Vice President's Wife Believes Women Can Do More Good Correcting Cabarets.

CHICAGO, Aug. 9.—Slashed skirts with the silhouette gown and other freaks of modern fashion are the worst enemies of the newly made voters of Illinois, and the cabaret and the turkey trot are more in need of reform than Chicago's First Ward, in the opinion of Mrs. Thomas R. Marshall, wife of the Vice President, who was in Chicago with her husband.

Mrs. Marshall declared frankly that she was opposed to the municipal power recently granted to the women of Illinois. Mrs. Marshall said:

"I have never been a suffragist. To me the fashions of to-day ought to convince any one that a woman is not fit to vote. Some women's dress is not only extreme, it is objectionable. A woman would do more good by correcting the dances in our cafes and cabarets than in running for office.

"The women in the East are not strongly in favor of the ballot, and none of the Cabinet women seems to favor it, with the exception, perhaps, of the President's daughter, Miss Jessie Wilson."

Manuel Pawns His Father's Decorations

Former King of Portugal Unable to Struggle Along on Income of $100,000 a Year.

Special Cable to The American.

LONDON, Aug. 9.—Despite his allowance of $50,000 a year from King George and at least that sum from private sources, it is learned that former King Manuel of Portugal, has been forced to pawn the decorations once belonging to his father. One of these decorations, a diamond cross with a large sapphire in the center, is still in the hands of a pawnbroker near Richmond, where Manuel is now staying with his mother, Queen Amelie.

The fortunes of the dethroned monarch will be recouped by his approaching marriage. It is known that he is very extravagant and his mother is none too practical.

The German Emperor has settled the puzzling question of how to treat the exiled monarch's marriage to a German princess. He will allow Prince Eitel Frederick to attend as a special guest, but not as his personal representative.

Callie Hoke Smith Capital Debutante

Make-up of First Democratic "Bud Bouquet" Puzzles Washington's Younger Set.

WASHINGTON, Aug. 9.—The make-up of Washington first Democratic debutante bouquet is the question that is agitating the younger set. It is confidently expected that Miss Genevieve Champ Clark, daughter of the Speaker, will be one of the buds, and Miss Frances Moore, the daughter of Clarence R. Moore, one of the Titanic heroes, another.

Resident society will furnish two attractive debutantes, who are not only socially prominent, but from Democratic families as well. They are Miss Margaret Britton, daughter of Mr. and Mrs. Alexander Britton and Miss Beatrice Clover, the youngest daughter of Rear Admiral Clover.

A debutante from the Congressional set will be Miss Callie Hoke Smith, daughter of Senator Hoke Smith, of Georgia. Other Congressional buds are the Misses Weaver, Church and Duval.

Mrs. Phoebe Hearst Y. W. C. A. Benefactor

Dedicates Camp at Pacific Grove, Cal., Which Her Generosity Made Possible.

DEL MONTE, CAL., Aug. 9.—Asilomar, the splendid new conference grounds of the California, Arizona and Nevada Young Women's Christian Association, which occupies 30 acres of ground on the ocean shore near Pacific Grove, was formally dedicated with a beautiful ceremony, including a pageant of 400 girls, uplifting association work.

Mrs. Phoebe Hearst, of San Francisco, whose generous assistance last year and this did much to make a permanent camp possible, gave the dedicatory address and gave the conference grounds the name of Asilomar, which means "retreat."

'Uncle Joe' Shocks Staid 'Down Easters'

Inquires if John Quincy Adams Were Sport, Then Changes the Subject.

QUITMAN, MASS., Aug. 9.—Uncle Joe Cannon, former Speaker of the House of Representatives, who is a visitor here, shocked the natives by causally inquiring if "one of these immortals had not been somewhat of a sport."

He referred to John Quincy Adams, but the shocked expressions and uplifted hands showed him at once that he was treading on dangerous ground, whereat Mr. Cannon quickly changed the subject.

"Reporters on local newspapers tried in vain to get Uncle Joe's opinion of present day politics.

WOMAN DEITY CREATED MAN, SAYS TABLET

New Version of Genesis Found in University of Pennsylvania Nippur Collection.

DATE IS FIXED AT 2100 B. C.

Dr. Arno Poebel's Discovery Is Regarded as Oldest Story of Origin of World.

PHILADELPHIA, Aug. 9.—It was a woman who created mankind, according to a tablet 4,000 years old just deciphered at the Pennsylvania University Museum by Dr. Arno Poebel, who is at work translating the tablets dug up in Nippur some years ago, by the museum expeditions.

About 37 years ago George Smith, the English scholar and explorer, brought back from Babylonia the cylinders which gave a Babylonian account of the origin of mankind and much of his early history, and these not only excited great interest but had a profound effect upon the theological teachings. The parallelism between the Babylonian story and that of Genesis developed a new school in theological criticism. But the cylinders of Smith only dated back to the reign of Assurbanipal in the seventh century B. C. The university museum tablet dates back possibly to 2500 B. C., and it is reasonably certain to be no later than the reign of Hamurabi, about 2100 B. C.

Female Deity Created Man.

The new account of the creation and the flood throws much new light on the early ideas of the Babylonians and Sumerians.

The striking novel features of the new tablet are these:

That it was a female deity who created mankind, known as "the blackheaded," from the color of the hair.

That new deities or new characteristics of the gods are discovered in the original document, although they have been hinted at in other ways. The character of the female goddess is now made important from the earliest times and equal with the two male ruler gods. Later tablets speak of these as unimportant.

That the first seven predluvian cities and the special god of each are discovered.

That the older Babylonian name of the Scriptural Noah is Zingidda.

That deluge ruins of the predeluvian cities were not all destroyed, some not until historic times. There is historic basis to much of the statement in this epic.

Opens With Poem.

Dr. Poebel has prepared a careful literal translation of the tablet. It originally was about seven inches square, but on such a surface the ancients could write in ideographic signs a long epic poem, and that is what this table contained. Like the first chapter of Genesis, the story opens with a great poem on the origin of the heavens as well as of the earth. It appears that Ninlu, a female god, created mankind, and she is found lamenting with the other gods seem bent on the destruction of her subjects. She speaks of the human beings as "my creations." It appears that Anu and Enlil were the chief gods of power, although they were among seven of equal rank, the first being god of heaven and the second god of earth. Then comes the story of the creation:

"Ninlu created the blackheaded," (human race.) * * * * "The fields of the ground produced abundance, the cattle and the four-legged beasts of the field artfully they (the gods) called into existence."

Slit Skirts Furnish Mosquito Clan With Choicest Barbecue

Trainload of Winsome Stenographers and Milliners Have to Tramp Through Stegomyia Belt.

NEW YORK, Aug. 9.—"All those in favor of slit skirts, please stand up."

Millions of full grown mosquitoes and three or four little fellers were rushing wildly out of their apartment houses on he Flushing Meadows, about 7 o'clock last night, and took part in the most rollicking barbacue ever held in the East.

Right in the middle of the salt grass waste were five cars of a Long Island Railroad train, stalled. The lights were out, men were running up and down shouting orders and Flushing was two miles away. After the train had stood for a few minutes, out of the passenger cars poured the choicest morsels of humanity that Mr. and Mrs. Culex Pungens and the little Pungenses ever saw. There were stenographers, typewriters, cashiers, millinery attaches and buxom matrons. Slit skirts were numerous.

In an endless procession the five hundred and more suburbanites trailed over the ties toward Flushing. There is some style in the mosquito belt and every member of the family seemed to know at once which of the passengers was dressed a la mode. The squeals and slaps of the fair ones as they tried to stop the onslaught sounded like a tattoo.

The procession lasted for more than two hours and when the last stenographer reached home a unanimous vote was taken declaring the mosquito a pest. Of course, there were some men along, but what self-respecting mosquito would bother with them at such a time?

NEGRO FIRM IN ACCUSING FRANK

He Describes Slaying of Mary Phagan

Defense Begins Its Battle for Life

Leo Frank in his seat in the courtroom where he is fighting for life.

The prisoner is shown in the unconcerned attitude he assumes most of the time.

Not a move escapes this man's restless eyes, though his face is calm.

Although Conley Admits Some Lying He Sticks to the Main Story Under Terrific Cross-Examination---Heat Causes Suffering in the Court.

By TARLETON COLLIER.

Leo Frank's lawyers, beginning their fight in his defense, directed their case into an attack on the testimony of the State's witnesses. Most of the testimony they produced was in contradiction to the circumstantial evidence brought to bear by the prosecution, and in denial of many statements already made.

The State practically closed its case with the evidence of Jim Conley, the negro sweeper, who declared that he helped Frank dispose of the body of Mary Phagan, the girl whom he swore Frank killed. The testimony of the few State witnesses who followed the negro was much of an anti-climax, coming as it did after a story that was thrilling in the extreme.

C. B. Dalton, who said he had been with Frank in several escapades in which girls were concerned, and Dr. H. F. Harris, of the State Board of Health, who testified as to the condition of Mary Phagan's body, were the important witnesses who followed Conley for the State.

Negro Endures Ordeal.

But Conley's testimony embodied the prosecution's strength. The negro, a man of the most common African type, burly, thick-lipped, anthropoidal, sat for three days in the witness's chair, and endured the most exacting ordeal ever forced upon a witness in a court of law. The cross-examinstion of Luther Rosser and Reuben Arnold, lawyers for the defense, was savage and pitiless at times. The negro, in spite of an apparent lack of intelligence and brain-force, showed the strain. He sat unmoved of body, but perspiration beaded his face. The examination told on him.

But he stuck persistently to the main part of his story. Coolly, calmly, almost nonchalantly, he admitted that he had lied time and again in his testimony, that he had not told the truth in making affidavits damaging to Frank during the investigations preliminary to the trial. But his significant accusations against the white man, his former "boss," he maintained were true.

Of his testimony that remained unshaken when he finally was discharged Wednesday afternoon, these facts were prominent:

On the morning of April 26, at Frank's behest, he had taken his station at the door of the National Pencil Company building, to watch.

Frank was upstairs in his office, at the front of the building.

Mary Phagan entered at his door and went upstairs.

He heard footsteps as if someone walked from the front of the building to the rear, upstairs.

Soon after he was summoned by Frank, who told him that a girl was hurt.

He found Mary Phagan in the lathe room, at the rear of the building, dead.

Together he and Frank bore the body to the cellar.

With numerous details the negro embellished this story. Time and again Luther Rosser forced the negro to admit that he had lied about this fact or that, but, although coaxed and browbeaten, the negro maintained steadfastly his main charge against Frank.

Words Have Dramatic Force.

He repeated it persistently, with the appearance of earnestness that is common to the ignorant members of his race. He talked and gesticulated in a manner to show that he was indeed illiterate and ignorant. But in the very simplicity of his words and manner there was a dramatic force, particularly when he was telling his story under the direction of the Solicitor General.

"I wrapped up her body like a bundle of dirty clothes," he said. It was one of many of his statements that, told with simple directness, thrilled those that heard.

The prosecution allowed him to tell his story uncheck**ed. But**

ADMITS HE'S DECENT IN ANSWERING MARRIAGE AD

YONKERS, Aug. 9.—Reginald P. Shennan, editor of The Rye Courier, already has received one reply to the advertisement inserted in his paper by a "gentlewoman with large tract of land not far from Port Chester," who is seeking "an unselfish, decent, self-supporting man for a husband."

He turned the letter over to the advertiser, whose identity is being guarded carefully. The letter bore a Brooklyn postmark.

AUTOS EMPTY CHURCHES, SAY COUNTRY PREACHERS

MANHATAN, KANS., Aug. 9.—The dwindling of the congregations of country churches, due to the new era of automobiles, which makes it easy for the rural residents to attend services in nearby towns and cities, will be discussed at the Conference of Rural Leaders, July 21 to 25, at the Kansas Agricultural College. Members of the organization declare that Kansas now has about 1,200 abandoned churches in the farming districts.

Jack London Puts Joke on His Appendix

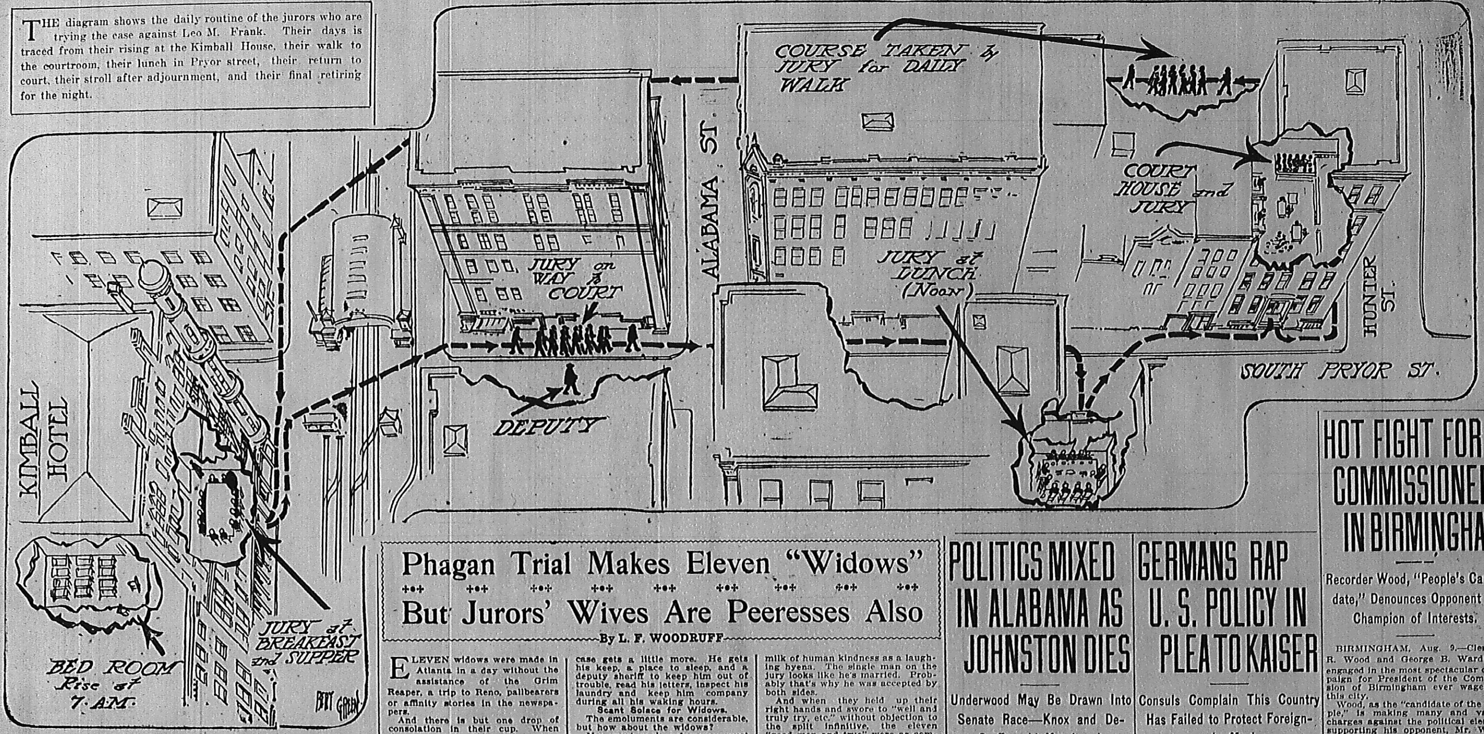
Novelist Tells the Latest on Former Part of Himself and What's Left.

LOS ANGELES, Aug. 9.—Here is the latest joke Jack London, the famous author, is telling on himself:

London was operated on recently for appendicitis. After the ordeal the surgeon held up the severed appendix in his fingers for the patient to see. The author looked at it thoughtfully then grinned and said: "It was a case of all alone in London, wasn't it, doc?"

VISITS OF GIRLS TO FRANK'S FACTORY REVEALED

THE diagram shows the daily routine of the jurors who are trying the case against Leo M. Frank. Their days is traced from their rising at the Kimball House, their walk to the courtroom, their lunch in Pryor street, their return to court, their stroll after adjournment, and their final retiring for the night.



WIFE IS OVERCOME BY CHARGES AGAINST FRANK

Continued From Page 1.

the defense, taking him on cross-examination, bridled his glibness with many searching questions. At first the negro was sullen under the examination.

"I disremember," was his usual response to the lawyers' inquiries. Later he was forced from that defense, and admitted that in some of the details he had been mistaken. Then he said he lied.

Conley had told in detail the circumstances of the day, and of his every movement. Later, Lawyer Rosser got him to say that he lied about the time he got up, about the time he left home, about the time he first went to the factory, about the time he bought a flask of whisky, about the time he first met Frank, about the time Frank stayed away from the office, about the time various persons left the factory building, about the previous affidavits he had made incriminating Frank, and about a number of details that had come out.

He Explains His Falsehoods.

"Why didn't you tell the whole truth in your last affidavit, Jim?" asked Mr. Rosser. "You said then that it was the whole truth."

"I didn't want to tell it all at once," replied the negro.

That was his explanation of the many falsehoods: that he didn't want to tell all he knew at once.

The very evident attempt of the defense was to establish with the jury the fact that the negro was not to be believed in the main when he so admittedly had lied in the details.

The negro came on the stand early Monday morning, and during the morning and the early afternoon he told a direct story, with little questioning. Then the defense took him. The cross-examination started early, without apparent point, almost with irrelevancy. Rosser questioned him about his daily actions in the factory, about little incidents and conversations that the negro found it hard to remember. Then, gradually, almost imperceptibly, the force of the lawyer's questions was heightened, until they drifted into a savageness that was powerless, however, to shake the sensational story of the negro.

Heat Is Intense in Court.

The week was a period of acute physical suffering. The heat in the courtroom was intense, and the mental strain which spectators and principals alike underwent was terrific. Dramatic indeed was the story of the negro and of other witnesses. More dramatic, however, was the subtle battle of wits between the lawyers and the witness, and among the lawyers over the witness and his words. Everybody hung breathless on the course of the trial at times.

The strain told. Conley bore up because he was supported by doses of strychnine. Others, without this exhilaration, suffered. Dr. Harris, testifying, collapsed on the witness stand. Mrs. Frank, the prisoner's wife, who was calm and unshaken during the first days of the trial, gave way to the strain when the examination of Conley was at its height, and succumbed to a fit of racking sobs. Reuben Arnold, lawyer for the defense, was overcome by a faint spell and was forced to ask Judge Roan's permission to argue from his seat. Jurors strained and twisted in their seats, exhausted by the demands on mind and body.

Even the spectators, always eager, always pushing into the courtroom long before the time for the beginning of the trial, were moved. When, after a long period of consideration, Judge Roan denied the request of the defense to eliminate a great part of Conley's testimony, a number of the spectators applauded. Court officials, mentioning this, declared their opinion that it was due largely to the mental excitation under which many of the watchers labored.

The applause was startling, and revealed the temper of the public as unfriendly to Frank. When it came, the jury was not in the courtroom, having withdrawn during the argument of lawyers over the admissibility of Conley's evidence. In spite of the fact that the jurors were absent, however, Lawyer Arnold threatened to move for a mistrial, fearing the effect of the applause on their mental state in event they heard it in the next room.

During the hubbub, in fact, he made the motion, but later withdrew it.

Tells of Girl's Visits.

The testimony to which the defense objected was drawn from the negro in the State's attempt to prove Frank a moral degenerate. Conley told of the visits of girls and women to the factory, and of Frank's association with them in an unusual manner. He named C. B. Dalton as a man who was with Frank on several escapades in the factory.

Over this testimony there was a heated fight, the defense arguing for its inadmissibility, the State sustaining it as legal.

"The testimony is admissible because it indicates the very purpose, motive and intent the defendant had in getting that poor little girl into the metal room. It is admissible as indicating a general practice of course of conduct," said Solicitor Dorsey. "The importance of this evidence, disgusting and abhorrent though it may be, is going to be made more manifest as the case proceeds."

The Solicitor promised then that witnesses would be called to substantiate what Conley charged regarding Frank's conduct prior to the day of the killing.

Mrs. Frank Overcome.

When the charges were made of practices by Frank, the prisoner's wife was overcome. She hung her head, her face flushed, and, unable longer the endure the situation, she left the courtroom. She walked out with eyes averted, and returned later with the traces on her face of a terrific struggle to be calm. Her eyes were red and her face puffed and swollen, as if she had just braved a storm of tears and sobbing. She resumed her seat, and remained immovable, almost with eyes unblinking, during the remainder of the day's session.

The prisoner's mother, also, was perturbed. She moved restlessly in her seat at Conley's testimony, and then rose from her chair. She moved across the courtroom as if unable to control herself, and then returned to take her seat near her son.

All the testimony to which the defense objected had to do with a period before the day of the muder. Conley had said that he often watched at the door while Frank had girls in his office. To this the defense objected, also.

Reuben Arnold argued that it was inadmissible because irrelevant and immaterial, and that it was a violation of the general principle in law that because a man committed a crime before, that crime can not be introduced to show that he had done a different thing of which he might be accused.

Defense Shows Anxiety.

But the testimony was admitted, and the defense's lawyers retired, something of anxiety plain on their faces. The victory for the State was significant.

Conley was called from the stand Wednesday afternoon. He had been in the witness chair for fifteen and one-half hours, during which time he was in the hands of the Solicitor only two hours. The other time had been torture to him.

However, wearied as he was on the stand, he showed plainly that his balance was restored when he came down. He was even cheerful and laughed when he pulled off his coat in the ante-room. He begged for a cigarette and a newspaper.

Dr. H. F. Harris followed Conley on the stand for the State. He reiterated testimony formerly given that Mary Phagan had been killed within an hour after she had eaten dinner. Of this, he said, he was practically certain because of the evidence borne by undigested bits of cabbage and bread in the girl's stomach.

Dr. Harris was minutely examined by Reuben Arnold, for the defense, who revealed considerable knowledge of the materia medica. However, the testimony he gave was unshaken by the inquisition.

Admits Visiting Factory.

C. B. Dalton followed Dr. Harris. His testimony was to a large extent corroborative of Conley's. He had visited the factory in company with girls, he admitted, while Conley watched at the door, and from his testimony the story of immoral practices in the factory was drawn. He told of visits to the plant with a young woman named Daisy Hopkins.

Detective Rosser took the stand after Dalton, and with his testimony the case of the State was closed, after a formidable chain of circumstantial evidence had been woven about the prisoner.

Witnesses introduced by the State when court opened Friday, and those who followed Friday and Saturday revealed little of direct contradiction or refutation to the case which the State made out.

Phagan Trial Makes Eleven "Widows" But Jurors' Wives Are Peeresses Also

By L. F. WOODRUFF

ELEVEN widows were made in Atlanta in a day without the assistance of the Grim Reaper, a trip to Reno, pallbearers or affinity stories in the newspapers.

And there is but one drop of consolation in their cup. When they were made widows they automatically became peeresses, for which privilege many American girls have caused their fathers large sums of good American money and themselves heartache and their pictures to be printed between the story of the rabbit that chased the boa constrictor and the life narrative of Sophie, the Shop Girl, who in a night became a stage star.

They also had the satisfaction of having their husbands officially proclaimed good men and true, which they may have questioned when the pay envelope was brought home with $10 missing and unaccounted for, just as all wives have questioned.

They'll Be Brides Again.

If there is any balm in it, the widows know that it will not be long before they can doff their weeds and once more don their bridal gowns. Their husbands will return to them just as soon as they have decided whether or not Leo Frank is guilty of the murder of Mary Phagan.

For it is due to the fact that their husbands are jurors that Atlanta had eleven widows made in a day, that eleven peeresses were added to Atlanta's list and that eleven wives had the glory of hearing their husbands called "good" without suspecting there was hidden meaning in the compliment.

The peerage and the official compliment as to character and $2 a day are the emoluments of a juror of Georgia. A juror in the Frank case gets a little more. He gets his keep, a place to sleep, and a deputy sheriff to keep him out of trouble, read his letters, inspect his laundry and keep him company during all his waking hours.

Scant Solace for Widows.

The emoluments are considerable, but how about the widows?

Men must work and women must weep to the tuneful accompaniment of the doleful mourning of the harbor bar is the first thought.

But there is some solace in the lot of the eleven Frank case widows.

Not every woman can know the thrill of widowhood and at the same time have absolute assurance that she is not going to remain in single blessedness the rest of her life.

And then there's no disputing the fact that they are peeresses. A juror is given his coronet when he takes his oath of office. Of course, in a criminal case he is usually paid the doubtful compliment of being termed the peer of a safe cracker, a short change artist, a blind tiger operator, or a gentleman skilled in the art of getting good money on bad paper, but just the same the juror is a peer. And just the same Mrs. Juror is a peeress.

Only One Single Juror.

In the rapid selection of the Frank jury, it was remarkable that but one single man was selected to decide a mystery that has puzzled the master minds of the Atlanta detective bureau for more than three months. The State probably wanted married men, who would sympathize with the mother robbed of a daughter's life. The defense probably wanted married men who would sympathize with the wife of the accused and his mother. Single men are supposed to be as looking in the natural supply of the milk of human kindness as a laughing hyena. The single man on the jury looks like he's married. Probably that's why he was accepted by both sides.

And when they held up their right hands and swore to "well and truly try, etc." without objection to the split infinitive, the eleven "good men and true" were as completely divorced as if the judge had ordered them to pay alimony and had forbidden another marriage in a year's time.

The divorce pro tem. has been absolute. The widows cannot speak with their husbands. Nobody else can for that matter except a court attache.

Deputy Reads All Mail.

Writing them is practically prohibited. Every letter mailed a juror has to be read by a deputy sheriff and properly censored by him before it reaches the eyes of the trial man.

And what wife would like to call her beloved "snooky" and have a deputy sheriff first assimilate the tenderness of the term? What wife would like to write for $8.67 to pay the butcher bill and have a deputy sheriff become thus acquainted with the condition of the family larder and the connubial purse?

She may kiss the clean collar when she sends it to him every day, but what assurance has she that he will not think that the Chinaman has bungled in his work?

She may send him a pair of freshly darned socks, but how does she know that the deputy will not see a mysterious message in the needle work and appropriate the hosiery to his own pedal purposes?

No, there are eleven new widows in Atlanta, but there is no doubt but there are eleven new peeresses. The only trouble is, no one can marry any of them for their titles.

Resigns One Place; Then Loses Other

Mayor Quits Office to Become Collector of Port, but Suffers From Curtailment.

PORT HURON, MICH., Aug. 9.—The order of Secretary McAdoo abolishing the office of collector of customs at this port has thrown former Mayor John J. Bell out into the cold.

When Mr. Bell received his appointment a few years ago he resigned as the city's chief executive, and Commissioner Dixon was chosen as his successor. Then Mr. Bell appointed William R. Chadwick as his deputy.

Now the order from Washington puts Mr. Chadwick in charge of the local part. Mr. Bell finds he has resigned himself out of one job and appointed himself out of another.

Thief Since Child; Boasts of 500 Crimes

Boy Declares That He Is Beyond Reformation, and Welcomes the Gallows.

CHICAGO, Aug. 9.—Walter Novak, 20, arrested with four companions after they had fatally wounded Patrolman Samuel W. Sowers and beaten Patrolman Frank Walpole, admitted having taken part in more than thirty robberies in two months and boasted of his career.

"I was born a thief, and I've been a thief ever since," said Novak. "I don't care whether I go to the gallows. I started when I was nine stealing pennies. I have been put in all kinds of institutions to reform me, but they only made me worse. I don't want any member of my family to come and see me. If they come, I will kick them out.

"I suppose I have committed more than 500 robberies."

$640 Average Income Of American Farmer

Government Report Declares There Are Many Who Make far Smaller Sum.

WASHINGTON, Aug. 9.—Farming is not the most profitable business in the world, railroad press agents to the contrary notwithstanding, according to a bulletin of the Department of Agriculture.

For the first time in the history of farming in the United States the department has managed to get accurate data on the subject.

It reports that the average income of the American farmer is $640.40 a year. "It is reasonable to infer," says the department, "that at least half of the farmers in this country have even smaller incomes."

Feudist's Daughter Shouts at Conviction

Woman Obtains Practically All the Evidence Produced in Court Against Slayers.

WINCHESTER, KY., Aug. 9.—The work of Mrs. Lillian Gross, daughter of Ed Callahan, of Breathitt County, former Sheriff and noted feud leader, was rewarded to-day, when a jury returned a verdict finding Andrew Johnson, 19, guilty of having murdered Callahan.

The jury fixed Johnson's punishment at life imprisonment in the penitentiary.

When the verdict was given out, Mrs. Gross and Mrs. Timandy Callahan, young widow of the feudist, shouted for joy.

The evidence was secured almost entirely by Mrs. Gross.

Twelve witnesses, who swore that they saw Johnson at Jackson, 12 miles from the scene of the shooting, are under indictment for perjury.

POLITICS MIXED IN ALABAMA AS JOHNSTON DIES

Underwood May Be Drawn Into Senate Race—Knox and DeGraffenreid Mentioned.

MONTGOMERY, ALA., Aug. 9.—The death of Senator Joseph Forney Johnston has precipitated in Alabama a political problem. He was seized by the fatal attack of illness at the time when he was in the midst of a fight with Congressman Richmond P. Hobson to retain his seat in the Senate, and Hobson thus is left without opposition.

The dominant political powers in Alabama, it is generally recognized, are not altogether friendly to the Hobson interests, and a man as powerful as Johnston undoubtedly will be brought forward to oppose the hero of the Merrimac.

Who will it be?

Eyes Are on Underwood.

All eyes turn to Oscar Underwood as the likely opponent of Hobson. Here near the end of the session of Congress, with his work well toward completion, it is conceded that Underwood can relinquish with safety his grasp on affairs in the House and step into the higher place in the Senate. A movement already is felt that may have its effect in bringing him out as a candidate.

Meanwhile, Governor O'Neal must appoint a successor to Senator Johnston to fill his seat for the two years yet remaining of his term. And, unless by previous agreement otherwise, the appointee probably will be a candidate for the coming term.

If Governor O'Neal appoints Colonel John B. Knox, of Anniston, to the place, Knox certainly will be a candidate for the long term, his health permitting. Knox for years has had ambition to enter the Senate. Twice he has been a candidate, losing in 1907, when Johnston and Bankhead were named pravisional Senators to succeed Pettus and Morgan, who then were near death, and again in 1910, when he opposed Bankhead.

Knox a Brilliant Figure.

Knox is a brilliant, eloquent, altogether spectacular figure. The Governor may not feel disposed toward his appointment on one ground, however. One year ago occurred a vacancy on the bench of the State Supreme Court, and Governor O'Neal tendered Knox the appointment. After weeks of deliberation the Anniston man declined it. Political gossip at that time was heard to the effect that the Governor was placed in an inconvenient position because of the refusal, and he was forced to take Judge E. D. DeGraffenreid from the bench of the Court of Appeals to place him in the Supreme Court.

DeGraffenreid is O'Neal's closest friend and political adviser. That he should be in line for the Senate appointment is not considered unlikely in a number of places. In event he is appointed, it is unlikely that he will make the race for the long term, and the Underwood shadow looms up again.

The death of Senator Johnston, occurring almost simultaneously with that of his present political ally and personal friend, Major W. W. Screws, editor of The Montgomery Advertiser, is regarded in Alabama as a startling coincidence. Major Screws was Johnston's firmest supporter in his race against Hobson.

AGED HUSBAND SUES GIRL WIFE WHO SPENT FORTUNE

PITTSBURG, Aug. 9.—Joseph Walters, aged 70, a prominent McKeesport man, who married Ruth Henderson when she was 17 years old, filed a suit in Divorce Court, asking a decree because his wife, after forcing him to spend his fortune of $100,000 on her, "ran away."

GERMANS RAP U. S. POLICY IN PLEA TO KAISER

Consuls Complain This Country Has Failed to Protect Foreigners in Mexico.

WASHINGTON, Aug. 9.—M. A. Leach, of San Francisco, who, as an eyewitness to the sacking of Durango, Mexico, by a rebel force gave Secretary Bryan a sensational account of the looting of banks, stores and residences and the ravishing of women which followed the capture of the city, left Washington for Chicago, after having repeated his story to Senator William Alden Smith, Senator Works and several others.

Mr. Leach said two German Consuls left Northern Mexico two weeks ago for Germany, carrying with them reports on the conditions which exist in the southern republic, with particular reference to the losses and indignities suffered by German residents.

They complain that the American Government has not moved to remedy conditions, and they will strongly urge the German Government to come to the relief of its subjects in Mexico.

Mr. Leach said that, as all his possessions in Mexico have been destroyed, he is in a position to talk freely of conditions and that the fear of further damage has kept Americans and other foreigners in Mexico silent. He says all foreigners and 90 per cent of the better element of Mexicans see no settlement of Mexico's troubles except through intervention by the United States, and that a crime against the United States will be committed if the border is thrown open to the indiscriminate shipment of arms into Mexico.

He declares this will be arming the Mexicans for the inevitable conflict with the United States or with foreign powers. He declares a policy of letting the Mexicans fight it out does not meet with the approval of the European governments interested in Mexico, and that if this policy is adopted by the United States it means the Monroe Doctrine must be abandoned and European nations allowed to enter.

NEW YORK, Aug. 9.—Major Miguel Lebrija, head of the aviation corps of the Mexican army, sailed on the Torraine, French Line, yesterday to buy twenty aeroplanes and two dirigibles for his Government. On the machines and their accessories the major expects to spend nearly $1,000,000.

The aviator expressed his conviction that aeroplanes could sink within an hour any battleship ever built, by dropping bombs on its decks. On account of the altitude of the City of Mexico, the machines which he is going to purchase will have to be far more powerful and will have greater wing surfaces than those ordinarily used at sea level.

Among his fellow passengers were Rene Bazin, Rear Admiral Aaron Ward and Mr. and Mrs. C. T. Wade.

HOT FIGHT FOR COMMISSIONER IN BIRMINGHAM

Recorder Wood, "People's Candidate," Denounces Opponent as Champion of Interests.

BIRMINGHAM, Aug. 9.—Clement R. Wood and George B. Ward are engaged in the most spectacular campaign for President of the Commission of Birmingham ever waged in this city.

Wood, as the "candidate of the people," is making many and varied charges against the political element supporting his opponent, Mr. Ward. He charges that he (Wood) was removed as Recorder by the Commission for sending one of their friends to the stockade and insisting on his serving his time, as he did in similar cases.

He also charges that Ward represents the Birmingham Railway, Light and Power Company and the Birmingham Loan and Discount Company. He charges that the managing editor of one of Birmingham's afternoon papers was forced out of the race under penalty of losing his position on the paper.

He claims that many other prospective candidates have been eliminated from the race by the powerful hand of the interests, and calls on the "common people" to assert themselves in the defeat of Ward.

Ward claims that Wood was discouraged by the Commission because of incompetency, and makes many other charges and insinuations in his speeches and newspaper cards.

Meetings are being held almost every night, and music from brass bands and the orations of the spellbinders are to be heard on every corner.

It is impossible to get a complete line-up, but it can be said with certainty that the race will be close, and that the result will be known only after every vote has been counted.

Orders Coffin Repainted.

LANCASTER, OHIO, Aug. 9.—Believing that death is near, James Swan, 87, a pioneer of Ingham County, has sent a coffin that he had made for himself several years ago to a painter at Danville to be "retouched."

Annual Mountain Excursion
Southern Railway
Saturday, August 16.

$6.00 Asheville, N. C.
$6.00 Lake Toxaway, N. C.
$6.00 Hendersonville, N. C.
$6.00 Hot Springs, N. C.
$6.00 Tate Springs, N. C.
$6.50 Bristol, Tenn.

Final Limit September 1.
Three trains to Asheville.

Morning	Noon	Night
8:00 a. m.	11:15 a. m.	9:30 p. m.

MAKE RESERVATIONS NOW

SEE THE
MOVIES
AT THE
GRAND
ALL SEATS 10c

WHITE SLAVE CASE WHICH INVOLVES U.S. GOES TO TRIAL

Diggs Faces a Jury and Caminetti Will Later Fight Charge of Taking Girls to Reno, Leaving Their Wives in State of California.

After Five Months of Delay and Scandal Involving National Officials, Special Prosecutors Are Appearing for the Government.

SAN FRANCISCO, Aug. 9.—All California anticipates becoming the unsavory center of the nation's attention for the next three weeks or a month, probably, during the trial of the Diggs-Caminetti white slave cases, arrangements for the beginning of which to-day are complete, after many months of controversy, postponement and of turmoil that threatened to disrupt President Wilson's cabinet.

The jury to hear the case of Maury I. Diggs, former State Architect, one of the two defendants, was announced complete to-day, after considerable difficulty in selecting the twelve members. Exhaustive examination of 96 veniremen was necessary before the twelve were chosen.

The first witness was called. He was F. J. Peck, a Reno real estate dealer, by whom the defense sought to show that the bungalow occupied by the defendants in Reno had been rented with no view to concealment.

Prejudice against the defendants runs high, rendering exceedingly difficult the task of picking a jury. Of the twelve men chosen, eight are married and have children, two are married, but childless, and two are single men, living with their parents. Indicative of the general temper of San Francisco was the reply upon examination of Philip Woolsey, who afterward was chosen as a member of the jury. He expressed his prejudice against "any married man who will abandon his wife and babies and run off on a spree with another woman," but said he could, however, render a verdict strictly in accordance with the evidence.

Cases Come Up Separately.

The cases against Diggs and Caminetti will be tried separately because the prosecution feels it has made out the stronger case against Diggs, and because the defense in this case will assume a course different from that in Caminetti's.

Diggs and F. Drew Caminetti, son of former Congressman and present Commissioner General of Immigration Caminetti, are charged with luring Miss Marsha Warrington and Miss Lola Norris from California to Nevada for immoral purposes. Both are married men.

Diggs, the prosecution will attempt to show, financed the trip to Reno, where the girls were taken, and rented there a cottage in which the party lived.

Diggs, against whom the charges are made in relation to Miss Marsha Warrington, is said to be contemplating a fierce attack on the character of the girl. He has subpenaed habitues of the "Barbary Coast" resorts of this city and twenty witnesses from Sacramento's tenderloin. Caminetti is making no such move against Miss Norris. The Government asserts her character to be unblemished.

Mrs. Caminetti Relentless.

Caminetti's wife is relentless in her attitude toward her young husband. She said that despite the disgrace it may bring on their children, she thinks, for the protection of other married women, her husband should be made an example.

Mrs. Diggs, also, is bitter toward her husband. The defenders of both men, however, to-day are claiming a complete reconciliation of the defendants with their wives, and declare that when the trial gets fully under way both Mrs. Diggs and Mrs. Caminetti will be seen sitting at their husbands' sides, a spectacle which, the defense calculates, will have an effect to their advantage on the jury.

Diggs and Caminetti both are free from custody, having taken advantage of the $10,000 bail offered them. At first they feared freedom, as violence was anticipated, but later this fear was overcome.

Diggs appears to be cheerful to-day, taking matters easily. He is scrupulously dressed. He came into the courtroom, with his flock of attorneys, bearing a cheerful smile, and bowed a dozen times to familiar faces that he saw near. Caminetti, on the other hand, seemed deeply worried. He was pallid and palpably very nervous. His father, the Commissioner General of Immigration, did not make his appearance, and probably will not be seen at the trial.

Two Special Prosecutors.

The trial is being held in the Federal Court before Judge Van Fleet. Matt I. Sullivan and Theodore R. Roche, president of the San Francisco Police Commission, have been appointed special prosecutors by Attorney General McReynolds, to take the place of District Attorney Gavin McNab, who resigned with the announcement that undue influence was being brought to bear from Washington to prevent the trial of the two men.

Arrayed with the special prosecutors are Archie Johnson, son of Governor Johnson, and Acting District Attorneys Benjamin L. McKinley and Thomas H. Salvage.

Diggs and Caminetti have an equally impressive line-up of legal defenders, including Robert L. Devlin and Marshall B. Woodworth, both former United States District Attorneys; Nate Coghlan and S. Luke Howe.

A heavy guard is thrown around the courtroom because feeling runs high against the two defendants. The two girls involved were high school students of Sacramento and of estimable families. Both, attorneys for the Government announce, will be ready to take the stand against the men.

The Government will charge that Diggs and Caminetti, both married men, had drawn the girls into a liaison; that they terrified the girls into the belief that their wives, having discovered their infidelity, intended to have the girls arrested, and that to escape this imaginary danger the girls accompanied the men to Reno, Nev.

PRINCIPAL figures in the white slave case which has stirred the whole nation and involved official circles. Snapshot of young Caminetti and Diggs, the girls for whom they deserted their homes, and United States Commissioner of Immigration Caminetti. Young Caminetti has a cigarette in his hand. To the right is Marsha Warrington, and to the left Lola Norris.

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McNab Outlines His Case Against the Defendants

In his report Mr. McNab gives the following pen picture of Caminetti and Diggs:

"The defendant Diggs was a draughtsman in the office of the State Capitol in Sacramento. He is married and has two young children.

"But a short time before the actions hereinafter narrated he was involved in a forgery charge, and for a long time, by common repute, easily substantiated by evidence, he maintained what has been denominated as a 'private harem' at his rooms in a downtown block in Sacramento. Here, according to charges laid before me, he enticed many young women to go to serve his immoral purposes.

"Caminetti was his bosom companion. The defendant Caminetti has a vicious reputation for seducing girls, and I have shocking instances which I can produce to establish this fact.

"The two girls in question, both of whom are about 19 years of age, come of most respectable families. Marsha Warrington is the only daughter of the agent of the Santa Fe Railroad. Lola Norris is the only daughter of a retired business man of Sacramento.

"After going with the young women for some months the two defendants, who had determined to entice the girls away from home and take them to another State, began a systematic campaign of coercion and inducement to get them to flee the State with them.

Their Stories to the Girls.

They told the young women that Mrs. Diggs and Mrs. Caminetti had found out about their relations and had procured warrants for their arrest from the Juvenile Court and were only awaiting the appropriate time to serve them; that Mrs. Diggs and Mrs. Caminetti were relentless and intended to expose the whole matter, and that the families of the girl would be disgraced and ruined; that the only way to save the girls from disgrace was secretly to leave the city and go to another State, where they would acquire a residence, the men would divorce their wives and marry the girls, etc.

"The young women were in absolute terror. They repeatedly appealed to the defendants to allow them to remain at home and not to disgrace them, and begged to be allowed to unbosom their indiscretions to their parents and have their advice.

"Up to this time, according to the uncontradicted evidence, Diggs had been unduly intimate with Miss Warrington for a few weeks; the Norris girl had never been violated before this trip to Reno.

"On arrival at Reno they were assigned to bedrooms, Diggs and Miss Warrington occupying one room and Caminetti and Miss Norris the other. According to the testimony of the young women, they were wholly in the hands of their male companions. They had never been away from home or their parents before and felt that they were powerless to save themselves.

"Appealing to the men to know what was to be done with them, the young women were told that their ruin was complete; that they would not desert them, but that the young women were to continue to live with them as their mistresses, and that they would take them to Salt Lake, where they would go into a 'house.'

"The Grand Jury had ample evidence before it in these statements to decide that the intent was to put them in a public place.

Barely Escaped Lynching.

"The defendants were secretly taken from the train and brought to Sacramento by auto to avoid lynching by the enraged citizens. Defendants procured counsel. Among these is Charles Harris, of the Sacramento bar. He and Diggs immediately set about to defeat justice by corrupting a witness. Diggs wrote an appealing letter to Miss Warrington under an assumed name, urging her to stand by a certain agreed story he had drilled her in while in Reno. The letter is in my possession.

"The Grand Jury has indicted Harris and Diggs for conspiracy to suborn perjury.

"The friends of the defendants are reported to have stated repeatedly that they could 'easily fix the case;' that they had too much money and too much influence at command to cause them to worry. This seems to have come principally from the Diggs end of the case."

Nearly Five Months to Bring Caminetti and Diggs to Trial

MARCH 10.

Farley Drew Caminetti, married, twenty-seven, son of U. S. Commissioner of Immigration Caminetti, with Lola Norris, nineteen, unmarried, and Maurice I. Diggs, married, ex-State Architect, about twenty-eight, and Marsha Warrington, nineteen, unmarried, all of Sacramento, go to Reno, register under assumed names, rent a cottage later, and live four days together when arrested. The men assert they are unhappy and intend to marry the girls after securing divorces.

MAY 19.

The men are indicted for violating the Mann white slave law, put under bonds of $10,000 and their cases put on the calendar for trial in June. Citizens all over California appeal to U. S. District Attorney John L. McNab to push the cases.

MAY 27.

United States Attorney McNab wires Attorney General McReynolds that both prisoners were boasting of their "influence at Washington," and that strenuous efforts were being made to secure postponement of trials; also that bribery and perjury were being used in their behalf.

JUNE 18.

Secretary of Labor Wilson telephones McReynolds "that Commissioner of Immigration Caminetti, who has applied for leave of absence to attend the trial of his son, can not be spared."

JUNE 19.

McReynolds telegraphs McNab to postpone the cases till fall.

JUNE 21.

McNab sends in resignation to President Wilson.

JUNE 22.

McReynolds' comment: "I'm not shedding any tears; he is a Republican."

JUNE 23.

Secretary of Labor Wilson assumes responsibility for McReynolds' action. A Cabinet meeting is called and President Wilson overrules McReynolds and orders the cases rushed.

JUNE 24.

The President accepts McNab's resignation with a rebuke for giving "his resignation the form of an inexcusable intimation of injustice and wrongdoing." In a letter to McReynolds he says: "I am entirely satisfied that the course you took in these cases was prompted by sound and impartial judgment and a clear insight for what was fair and right."

JUNE 28.

James C. Mann, Republican leader, bitterly attacks McReynolds and Secretary Wilson, both Cabinet officers.

JULY 6.

The Hearst papers print the suppressed correspondence between McReynolds and McNab and others, showing the Attorney General knew of the seriousness of the case.

JULY 19.

Republicans start a filibuster in House to secure a full discussion of the case.

JULY 26.

Filibuster ends with victory for Republicans.

JULY 31.

Case of Diggs comes to trial August 5.

Foundling Is Heiress. To $100,000 Fortune

Father Makes Wealth After He Had Left Baby in Michigan Institution.

CADILLAC, MICH., Aug. 9.—Sheriff Chamberlain has been asked by an attorney in Corning, N. Y., to locate Bessie Weaver, who was adopted by a Manton, Mich., family from a New York foundling home over twenty years ago, and a few days ago became heir to $100,000.

Mr. and Mrs. Frank Weaver, of Manton, who adopted the child when on a trip through New York, returned her to the home five years later. Since that time nothing has been heard from her. The father of Bessie Weaver, or Bessie Clark, as she was known in New York, made his fortune after placing his child in the home, but has been unable to locate her since she was taken back from Michigan. He recently died, leaving his fortune to his only child.

GIRL HELPS FATHER IN BUILDING NEW HOUSE

HARTFORD, MICH., Aug. 9.—One year ago S. H. Atkins and family came to this city and built a house in a field of rye in the outskirts of the city. Recently they sold the home, and with the proceeds purchased four adjoining lots. They are now building a much larger house, which will be the sixth they have erected since the little home was built.

The scarcity of carpenters caused the mother and daughter to assist Mr. Atkins in the building of his new home. The mother and 9-year-old daughter did all of the lathing.

Ban on Tobacco Seen By Prohibitionists

Smoking and Drinking Are Blamed for Increase in Chronic Diseases in America.

BATTLECREEK, MICH., Aug 9.—That tobacco as well as liquor will be placed under national prohibition before the end of another generation, is the assertion made here by Irving Fisher. Fisher blames liquor, tobacco, overuse of meat and too strenuous life for the terrible increase of chronic diseases in America.

Spooners Protest Against Headlights

Big Illuminating Power Now Carried on Engines Is Worry to Summer Boarders.

MINNEAPOLIS, Aug. 9.—The Chicago, Milwaukee and St. Paul Railroad has placed monster 1,220-candlepower electric searchlights on the observation cars of the Pioneer Limited.

Letters have found their way into the general offices of the company signed by summer hotel men, houseboat owners and the public generally, protesting against the innovation. Spooners do not like it.

COLLEGE HEN MISSES LAYING 1 DAY IN 100

Champion Barnyard Producer Rests Only When Commencement Season Arrives.

OREGON AGRICULTURAL COLLEGE, CORVALLIS, OREG., Aug. 9.—A college hen, which laid 99 eggs in 100 days and observed Commencement Day by taking a single day's vacation, is a new claimant for prominence in the chicken world.

The newly heralded layer is three-quarters White Leghorn and one-quarter Barred Plymouth Rock, descending from several generations of heavy layers bred at the Oregon Agricultural College experiment station.

The 99 eggs were laid during the 100 days ended June 8, as follows: Thirty-one in March, 29 in April, 31 in May and 8 in the first 8 days in June.

Not only is this the best record ever secured at Oregon Agricultural College for the same length of time, but a careful perusal of authentic records from other stations on file fails to reveal an equal performance.

The result of breeding as shown in the egg production of this one hen is only an isolated example of what Professor James Dryden's extensive experiments are proving to be possible.

Up to date the records show clearly the beneficial effect in egg yield, and when the year's experiments are concluded in the fall some interesting statistics will be available for the use of poultrymen who are raising chickens for egg production.

Blue Underwear Is Hot Weather Relief

Head of U. S. Health Department Recommends It as Means of Keeping Cool.

WASHINGTON, Aug. 9.—The head of the Public Health Department gave out to-day instructions on "How to Keep Cool, Happy and Healthy in Summer."

What to Eat—Plenty of fruits; fresh vegetables; as little meat as possible; potatoes and other starchy foods in moderate quantities.

What to Drink—Soft, non-alcoholic cooling drinks; buttermilk and sweet milk (the certified kind); alcoholic drinks in greatest moderation.

What to Wear—White outer clothes; blue underwear; soft collars; straw hats; good, old, easy shoes.

Gives Check for Fine, Then Stops Payment

Fisherman, Who Unintentionally Violated Law, Skips State, and Justice of Peace Suffers.

CRANE, MO., Aug. 9.—A resident of Crane has given a new turn to the long struggle for fees and fines by petty officers along the State line. This man was arrested, with his family, on charges of violating the fishing laws, pleaded guilty, was fined, paid the fines and fees with a check, then he hustled across the State line and stopped payment on the check.

The violation of the law was unintentional, as the Missouri family were floating down White River and did not note the change of State jurisdiction until the constable arrested them for a manner of fishing which had been legal a few miles back.

The only regret Missourians have over the incident is that the same justice probably cannot be fooled twice.

ROMANCE LEADS TO HEIR'S EXILE FROM GERMANY

Lieutenant in the Kaiser's Army Comes to Chicago and Joins U. S. Cavalry.

ST. LOUIS, Aug. 9.—Because his love for a pretty German actress resulted in his squandering an inheritance of $32,000 in one year, Dr. Otto Gordon Goldfield, scion of a wealthy family, a lieutenant in the German cavalry and a graduate of Gottigen University, was forced by his father to come to the United States and join the army here as a private. The young German is now in barracks here.

Ruth Werner, German dancer and singer, charmed the young man when in Vienna. His grandfather had just died and left him $32,000. Within a year this was gone, and after numerous appeals to his father, Dr. Goldfield was forced to come here.

Told to Give Up Girl.

His father, who is the vice president of the Corporation of Hamburg, told him to give up the girl, his commission in the army and go to America.

"I fell in love with the girl," explained "Private" Goldfield, "and spent all my money on her. She was beautiful. If she wanted jewels I bought jewels. We were at Monte Carlo. She wanted to play the games. She was beautiful, and I loved her, so why should she not be happy?

"We were in Paris, at the Horse Show in London, and many other places. She had automobiles and fine horses.

"And then my money gave out. My parents refused to give me more, and my father forced me to come to the United States and try for a commission in the army.

"Will I go back?" responded Dr. Goldfield in answer to a question. "Yes, when I get my commission here I will go back and the girl and I will be married. But not until then. I must stay in the army here until I am a lieutenant.

Likes Open Air Life.

"It's the open air, and beautiful I like here more than anything else. That is why I have come to the West.

"And your soldiers—well, next to the French dragoons they are about the best in the world, in my opinion, and I have seen the troops of all the larger countries. That's why I am enlisting as a private here, for I like the life and will stay anyway until I get my naturalization papers."

Goldfield is twenty-five, and has served the last four years in the German cavalry as a lieutenant. He is an experienced horseman, and says he was the winner of the championship at the International Horse Show held in London two years ago, riding the horses from his father's stables.

Jacob Goldfield, father of the young army officer, besides being vice president of the Hamburg Corporation, is a well-known German jurist, as is also his brother, Rudolph Goldfield.

EVERY LUXURY PROVIDED FOR 12 PRIZE DOGS

Private Room, Electric Fans, Leather Chairs, Etc., for Each of Dozen Pomeranians.

BROKTON, MASS., Aug. 9.—Twelve Pomeranians—each with a whole room to himself, and housed in a house which they have all to themselves, likewise—take he prize for dog luxury, Brockton folks believe. Besides a house of their own, the dogs have:

A valet, electric fan, individual beds, a bath twice a day, a back yard to play in, leather chairs and soft rugs (the latter to try their teeth on).

Mrs. E. V. Graves, a leading business woman, owns the dogs. She is successful as the head of a factory here. Brockton folks say she is more attentive to the dogs than Mrs William Carter, of Newport, who got four doctors when her Pomeranian was nervous.

During the hot days the valet, Mr. Beals, fans the little fellows with a specially made $18 electric fan and each dog is given a cold bath at frequent intervals.

"They are all as jealous as can be," says Mrs. Graves. "If you make more of one than another there is a terrible howl and often a fight. They are friendly to children as a general rule. The dogs are worth anywhere from $150 to $1,000 each, but I do not care to sell them. They are a great comfort to me."

Owes Her Good Health to Duffy's

MRS. MARY CARMODY.

"About a year ago I was down with a very heavy cold and I had a bad pain under my shoulder blades. I was under the care of different doctors but did not improve. I was so weak I could hardly stand, and I could not keep anything on my stomach. A druggist near where I lived advised taking a tablespoonful of Duffy's Pure Malt Whiskey with an egg in milk before meals, and after following his advice I found that I could eat; I overcame my weakness, and gradually gained in weight. I believe that Duffy's Pure Malt Whiskey as a tonic for run down people is a great thing, and I recommend it to my many friends in Brooklyn and New York. I can not praise Duffy's Pure Malt Whiskey too much."—Mrs. Mary Carmody, 116 N. Elliott Ave., Brooklyn, N. Y.

Duffy's Pure Malt Whiskey

should be in every home as a safeguard in emergencies requiring a stimulant, and ready to be taken on journeys for the protection it affords the traveler.

Its regular use by the weak and ailing gives remarkable results in health and strength as well as proper weight by stimulating the stomach to better action, and in consequence nourishing the entire body.

BE SURE YOU GET DUFFY'S

The genuine Duffy's Pure Malt Whiskey is sold in SEALED BOTTLES ONLY, by druggists, grocers and dealers. Should our friends for any reason be unable to secure it in their locality, we will have it shipped to them from their nearest dealer, express prepaid (cash to accompany order) at the following prices:

4 Large Bottles, $4.30
6 Large Bottles, $5.90
12 Large Bottles, $11.00

Duffy's Pure Malt Whiskey should be in every home and we make the above announcement so that you may become familiar with a source of supply.

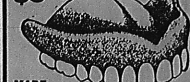
Remit by express order, postoffice order, or certified check to

The Duffy Malt Whiskey Company,
98 White St., Rochester, N. Y.

Wind Saves Life of Baby Caught by Kite

String on Toy Encircles Throat of Child and Lifts Him From Earth.

CHICAGO, Aug. 9.—Except for the timely intervention of a gust of wind, Baby Allen McNaughton, 15 months old, might have been hanged by a box kite string until he was dead yesterday afternoon in the presence of his 12-year-old brother, Monroe, and a group of boy friends. As it was he was hanged until he was black in the face, and the string circled his throat with a gash that barely missed the jugular vein. Just as the kite went up the string slackened and twined about the baby's throat. The child was lifted from the ground and was being borne aloft when a sudden cross current slackened the string again. Monroe quickly cut it, releasing the kite and his brother at the same time.

$5  **Your Teeth Examined WITHOUT CHARGE**

MADE SAME DAY

DR. E. G. GRIFFIN'S
GATE CITY DENTAL ROOMS

24½ Whitehall St. Over Brown & Allen's
Telephone M. 1708 Hours: 8 to 6; Sundays, 9 to 1

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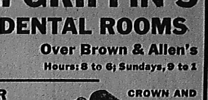

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NOTICE

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HEARST'S

SUNDAY AMERICAN

EXTRA

VOL. I. NO. 19. Copyright, 1913, by The Georgian Company. ★★★ ATLANTA, GA., SUNDAY, AUGUST 10, 1913. PRICE FIVE CENTS.

LIND CALLS ADMIRAL IN CONFERENCE AT VERA CRUZ

Ambassador Sends Mysterious Message to Commander of Fleet for Meeting Immediately on His Arrival at the Mexican Port.

Huerta Maintains Iron-Hand Attitude in Spite of International Menace From Revolutionary Armies and Threatened Coercion.

Special Cable to The American.

VERA CRUZ, MEX., Aug. 9.—John E. Lind, special envoy to Mexico, arrived here at 1 o'clock this afternoon on the battleship New Hampshire. He was at once transferred to the battleship Louisiana.

VERA CRUZ, Aug. 9.—Captain Snowden, of the battleship New Hampshire, at the direction of John Lind, Special Ambassador from President Wilson to Mexico, to-day sent the following wireless to Admiral Fletcher, commander of the flotilla of United States warships in the harbor here:

"Governor Lind wishes to see the United States Consul and Admiral Fletcher immediately upon his arrival at Vera Cruz Saturday. Governor Lind will not go to Mexico City until Sunday."

Sensational rumors were circulated as to the cause for the conference. The New Hampshire will probably arrive this evening.

MEXICO CITY, Aug. 9.—Maintaining his iron hand attitude in spite of international menace from revolutionary armies and threatened coercion, Provisional President Huerta to-day continued his diplomatic battle with the United States by giving orders to draft another note of protest against the homing of Special Ambassador Lind, unless the United States recognizes Mexico or halts Mr. Lind before he arrives in this city.

Situation is Tense.

A tense situation exists here pending the arrival of Mr. Lind, who has been retarded by the State Department at Washington.

Huerta's hope that defiance of the United States might break down the revolutionary spirit in the north seems to have been futile, according to a message from General Venustiano Carranza, leader of the rebels.

This was a reply to overtures to Carranza to join his forces to the regular army in the event of a "foreign invasion." However, Huerta has gained fresh followers among the radical element by his defiance of President Wilson. Supporters of the provisional president charge that the United States is preparing to act as it did in Cuba.

Sensational reports were current today relative to the diplomatic mission of General Felix Diaz to Tokio. Ostensibly Diaz is going to thank the Japanese Government for its representation at the Mexican centennial, but the belief is growing that Japan has consented to make a treaty with Mexico, and that Diaz is really a special ambassador. This treaty, it is reported, has to do with a league of common interests and not with commercial right. It follows the movement of the Government to invite 50,000 Japanese emigrants here to colonize the state of Morelos, which has been nearly depopulated by the rebellion.

Insists on Recognition.

Whether Huerta has any more cards to play in his diplomatic fight against outside interference with Mexican affairs is a question known only to the provisional President and his closest advisers. Huerta insists on "recognition and no parley," but the Government is not in condition to enforce his threat by war.

The national treasury is nearly depleted, and the army material of the country has been thinned to a minimum by three years of revolution.

By diplomacy, however, he might still be able, by playing upon the Latin-American republics' fear of annexation and upon the hostility of foreign powers to the spirit of the Monroe Doctrine, to force the United States into a compromising position.

Even Nelson O'Shaughnessy, Charge d'Affaires of the United States Embassy here, is not acquainted with the details of Mr. Lind's mission. He has so informed the Mexican Foreign Minister.

Sulzer Used Funds Of Campaign to Play Market, Is Charge

Chairman Frawley, of Investigating Committee, Says This is Enough to Warrant Impeachment.

NEW YORK, Aug. 9.—Governor William Sulzer, of New York, was nearly $50,000 in debt as the result of stock market speculations at the time of his nomination, and used contributions to his campaign fund to make additional purchases of stocks while this debt was hanging over him, according to testimony presented to the Frawley committee of the Legislature.

The evidence is sufficient to warrant proceedings to impeach the Governor for violation of the corrupt practices act, Chairman Frawley declares. A decision as to the committee's recommendation is expected by Monday.

The Governor, according to the evidence, had dealings with three different stock exchange firms and was saved from being sold out by one firm by I. N. Josephthal, a Wall Street banker, and a member of the Governor's staff as naval reserve aide. Josephthal, it was brought out, paid a debt balance of $26,749 still standing against the account on July 3 last. This was after the Governor had received repeated calls for more margin.

The Governor's transactions with other firms were for cash, and it was in connection with one of these that Governor Sulzer, according to the evidence, used campaign contributions.

Mrs. Phoebe Hearst Y. W. C. A. Benefactor

Dedicates Camp at Pacific Grove, Cal., Which Her Generosity Made Possible.

DEL MONTE, CAL., Aug. 9.—Asilomar, the splendid new conference grounds of the California, Arizona and Nevada Young Women's Christian Association, which occupies 90 acres of ground on the ocean shore near Pacific Grove, was formally dedicated with a beautiful ceremony, including a pageant of 400 girls, typifying Association work.

Mrs. Phoebe Hearst, of San Francisco, whose generous assistance last year and this did much to make a permanent camp possible, gave the dedicatory address and gave the conference grounds the name of Asilomar, which means "retreat."

Callie Hoke Smith Capital Debutante

Make-up of First Democratic "Bud Bouquet" Puzzles Washington's Younger Set.

WASHINGTON, Aug. 9.—The make-up of Washington first Democratic debutante bouquet is the question that is agitating the younger set. It is confidently expected that Miss Genevieve Champ Clark, daughter of the Speaker, will be one of the buds, and Miss Frances Moore, the daughter of Clarence R. Moore, one of the Titanic heroes, another.

Resident society will furnish two attractive debutantes, who are not only socially prominent, but from Democratic families as well. They are Miss Margaret Britton, daughter of Mr. and Mrs. Alexander Britton and Miss Beatrice Clover, the youngest daughter of Rear Admiral Clover.

A debutante from the Congressional set will be Miss Callie Hoke Smith, daughter of Senator Hoke Smith, of Georgia. Other Congressional buds are the Misses Weaver, Church and Duval.

Manuel Pawns His Father's Decorations

Former King of Portugal Unable to Struggle Along on Income of $100,000 a Year.

Special Cable to The American.

LONDON, Aug. 9.—Despite his allowance of $50,000 a year from King George and at least that sum from private sources, it is learned that former King Manuel, of Portugal, has been forced to pawn the decorations once belonging to his father. One of these decorations, a diamond cross with a large sapphire in the center, is still in the hands of a pawnbroker near Richmond, where Manuel is now staying with his mother, Queen Amelie.

The fortunes of the dethroned monarch will be recouped by his approaching marriage. It is known that he is very extravagant and his mother is none too practical.

The German Emperor has settled the puzzling question of how to treat the exiled monarch's marriage to a German princess. He will send a Prince Eitel Frederick to attend as a special guest, but not as his personal representative.

Do You Know ?

The Greatest Fortress

See First "Want Ad" Page

GIVES OWN LIFE TO SAVE THOSE ABOARD BOAT

Divers Exploring Wreck of Steamboat Peters Lee Find Modern Jim Bludsoe in Hold.

ALL THE PASSENGERS ESCAPE

Engineer Kept Craft's Nose Stuck in Mud Until All Save He Were Safe on Shore.

MEMPHIS, TENN., Aug. 9.—Divers who explored the steamboat Peters Lee on the bottom of the Mississippi River at Lake Providence, La., to-day reported finding the body of Engineer Frank O'Neil, his hand holding the engine throttle.

He died there when the boat sank last night, having stayed at his post and held the boat's nose against the shore until the last of the 50 passengers, most of them women, were helped ashore.

O'Neil's act is practically a realization of the martyrdom of Jim Bludsoe, famed in the poem as the steamboat engineer who held her nose to the bank till all were saved, then was burned to death at his post.

A dance was on when the Peters Lee struck a sunken coal barge. A hole was torn in her side. The captain ordered the pilot to steer for the shore. The boat struck the mud, and officers and crew began taking off the passengers.

Frank O'Neil in the engine room kept the stern wheel churning while the water poured into the hold.

A negro rhouted through the engine room door that the boat was sinking.

"I know it!" shouted O'Neil. "You fellows get on up front where you can get off! I'll hold her nose against the shore!"

The last passenger was safely landed when the boat sank in 40 feet of water.

Factory Gives Help $1,000,000 Insurance

Each of 1,000 Employees Gets a Policy Equal to His Yearly Salary.

NEW YORK, Aug. 9.—The Standard Oil Company has taken out a policy of $1,000,000 to cover 1,000 employees, the company announces. Each employee is insured for the amount of one year's salary, with a maximum limit of $3,000 on any one life.

Each employee gets a certificate to the beneficiary of the employee, in event of death while in the employment of the company.

All employees from the president to the office boy are covered, including those at the head office in New York, the salesmen throughout the country and the employees at the plants at Athens, N. Y., Youngstown, Ohio, Akron, Ohio, Rock Island, Ill., and Buchanan, N. Y.

Not a move escapes this man's restless eyes, though his face is calm.

Scientist Hints New Immortality Proof

Sir Oliver Lodge, of London, Will Give World Results of His Researches.

Special Cable to The American.

LONDON, Aug. 9.—Sir Oliver Lodge, whose researches into the unknown world made him famous, will assert at the meeting of the British Association on September 10 a belief in "an almost continuity of existence before and after death as essential to science."

It is inferred he has at least new evidence to offer of immortality.

He once told the world "the boundary between life and death is still substantial, but is wearing thin in places."

Slit Skirts Furnish Mosquito Clan With Choicest Barbecue

Trainload of Winsome Stenographers and Milliners Have to Tramp Through Stegomyia Belt.

NEW YORK, Aug. 9.—"All those in favor of slit skirts, please stand up."

Millions of full grown mosquitoes and three or four little felters were rushing wildly out of their apartment houses on be "Flushing Meadows, about 7 o'clock last night, and took part in the most rollicking barbacue ever held in the East.

Right in the middle of the salt grass waste were five cars of a Long Island Railroad train, stalled. The lights were out, men were running up and down shouting orders and Flushing was two miles away. After the train had stood for a few minutes, out of the passenger cars poured the choicest morsels of humanity that Mr. and Mrs. Culex Pungens and the little Pungenses ever saw. There were stenographers, typewriters, cashiers, millinery attaches and buxom matrons. Slit skirts were numerous.

In an endless procession the five hundred and more suburbanites trailed over the ties toward Flushing. There is some style in the mosquito belt and every member of the family seemed to know at once which of the passengers was dressed in mode. The squeals and slaps of the fair ones as they tried to stop the onslaught sounded like a tattoo.

The procession lasted for more than two hours and when the last stenographer reached home a unanimous vote was taken declaring the mosquito a pest. Of course, there were some men along, but what self-respecting mosquito would bother with them at such a time?

ADMITS HE'S DECENT IN ANSWERING MARRIAGE AD

YONKERS, Aug. 9.—Reginald P. Shennan, editor of The Rye Courier, already has received one reply to the advertisement inserted in his paper by a gentlewoman in large circle of land not far from Port Chester," who is seeking "an unselfish, decent, self-supporting man for a husband."

He turned the letter over to the advertiser, whose identity is being guarded carefully. The letter bore a Brooklyn postmark.

AUTOS EMPTY CHURCHES, SAY COUNTRY PREACHERS

MANHATAN, KANS., Aug. 9.—The dwindling of the congregations of country churches, due to the new era of automobiles, which makes it easy for the rural residents to attend services in nearby towns and cities, will be discussed at the Conference of Rural Leaders, July 31 to 26, at the Kansas Agricultural College. Attendees of the organization declare that Kansas now has about 1,200 abandoned churches in the farming districts.

FRANK OR CONLEY? STILL QUESTION

Issue Firmly Drawn Between Two Men

Crime Definitely Fixed on One of Pair

Leo Frank in his seat in the courtroom where he is fighting for life.

The prisoner is shown in the unconcerned attitude he assumes most of the time.

Famous Case to Solve Mystery of Slaying of Mary Phagan Enters Its Third Week With Public Opinion Constantly Shifting.

By AN OLD POLICE REPORTER.

The second week of the trial of Leo Frank, charged with the murder of Mary Phagan in the National Pencil Factory on the afternoon of April 26, came to a close Saturday noon.

The State's case has been entirely made up in its primary aspects, and the defense has gone into its story of the great crime sufficiently to make clear both its theory and probable line of pleading.

The public, as the case has progressed, has been swayed this way and that, and to-day the remarkable mystery of Mary Phagan's untimely and tragic end remains, in hundreds of minds, quite as much of a mystery as ever.

The Battle Is a See-Saw.

The State has had its good days and its bad days, and the defense has met the same fate. At times things have seemed dismally dark and gloomy for Frank, while at other times the clouds apparently have lifted from about him decidedly.

This much has been made clear:

Either Leo Frank will be shown to be responsible for the death of Mary Phagan, or Jim Conley will.

The one is the heart and soul of the State's contention, and the other is the heart and soul of the defense's contention.

Frank is battling not only to clear himself but to convict Conley.

Conley is battling not only to clear himself, but to convict Frank.

The only difference is that Conley, although not yet indicted, expects to be convicted as an accessory after the fact of the murder, in any event, whereas Frank, already indicted, expects to come absolutely clear and free of all possible connection with the crime.

The one has a heretofore good name to restore in all of its unblemished integrity, the other has merely his present reputation for criminal inclination to preserve against sinister enlargement.

The issue has been sharply and indelibly drawn—it is either Leo Frank's life for Mary Phagan's, or it is Jim Conley's.

The State has shown, or has endeavored to show the following things:

THAT Frank, shortly after noon on April 26, and before five minutes past noon, lured Mary Phagan, for an immoral purpose, to the rear of the second floor of the National Pencil Factory, and there, because she would not yield to his desires and demands, he knocked her down and immediately thereafter strangled her to death with a small cord, about one-eighth of an inch in thickness.

THAT after strangling her, Frank remained with her dead body until after a girl caller in his office had departed, when he tiptoed to the front of the floor whereupon the murder had been consummated, and secured the help of a negro sweeper, Jim Conley, employed about the place, to dispose of the body.

THAT Conley, under the direction of Frank, wrapped the dead body in a piece of heavy cloth, carried it to the elevator, and thence on the elevator to the basement, where it was placed in an obscure corner in the rear, later to be found by Newt Lee, a negro night watchman, generally held guiltless of direct connection with the crime itself.

THAT Frank, after hiding the body, with Conley's assistance, then induced Conley to write and place beside the dead girl certain illiterate notes fixing the crime, in so far as they might, upon some other person than either Frank or Conley, and that Frank for Conley's services, paid him the sum of $2.50, but not until he had first paid him $200, which was withdrawn under promise to restore that sum later.

THAT Frank had an understanding with Conley, whereby Conley was to return to the factory later in the afternoon on Saturday and burn the body in the basement furnace, but that Conley

Jack London Puts Joke on His Appendix

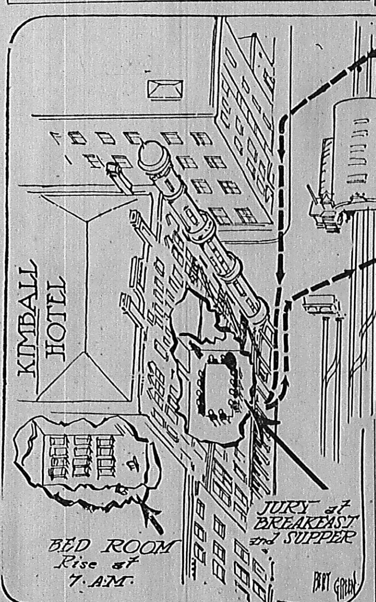
Novelist Tells the Latest on Former Part of Himself and What's Left.

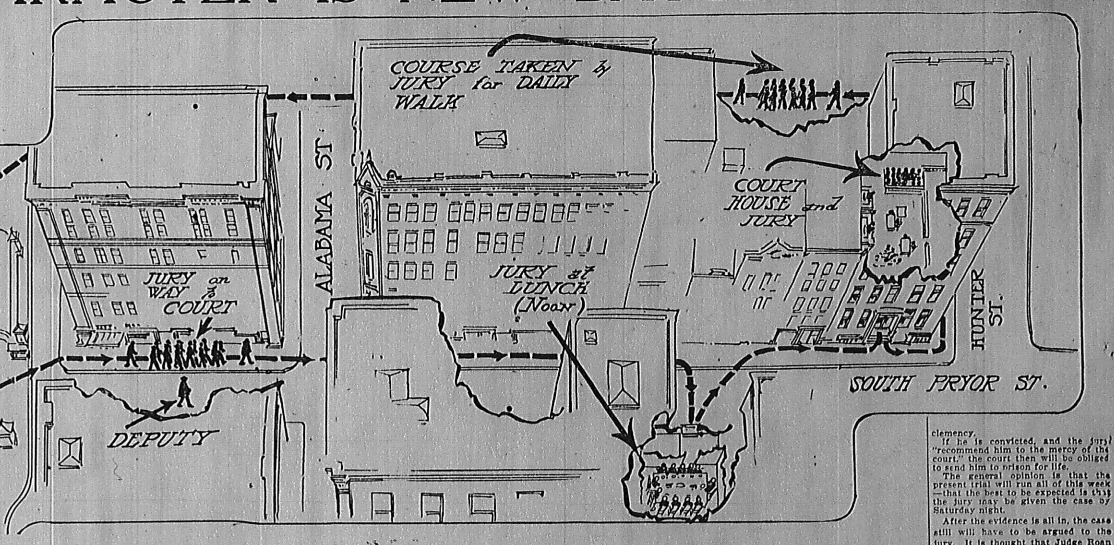
LOS ANGELES, Aug. 9.—Here is the latest joke Jack London, the famous author, is telling on himself:

"London was operated on recently for appendicitis. After the ordeal the surgeon held up the severed appendix in his fingers for the patient to see. The author looked at it thoughtfully, then grinned and said: "It was a case of all alone in London, wasn't it, doc?"

FRANK'S CHARACTER IS NEW BATTLE GROUND

THE diagram shows the daily routine of the jurors who are trying the case against Leo M. Frank. Their days is traced from their rising at the Kimball House, their walk to the courtroom, their lunch in Pryor street, their return to court, their stroll after adjournment, and their final retiring for the night.





DEFENSE HAS TO CLEAR NAME OF TWO CHARGES

Continued From Page 1.

went to sleep in the afternoon and neglected to perform this service.

THAT Frank, called to the factory early in the morning of Sunday, April 27, displaying great nervousness, and while on his way to the factory without having been informed of the dead, girl's identity, declined, or at least failed and neglected, to look upon her features at the undertaker's, notwithstanding the fact that he later admitted her identity without having seen her dead.

THAT at the factory, at the place of the crime, his nervousness continued, and that next morning (Monday), when called to the police station for further questioning, he had secured counsel to defend him, notwithstanding the fact that he then had not been placed under arrest.

THAT after having been placed under arrest and indicted for murder, he persistently refused to meet his chief accuser, Jim Conley, face to face, or to discuss any features of the charges lodged against him.

THAT in addition to the crime of murder, as set forth in the indictment, Frank is a dissolute character, practicing the most depraved and perverted crimes with persons of loose morals, and that Jim Conley, on more than one occasion, acted as "lookout" for Frank on the first floor of the factory, while unspeakable and unmentionable things were being enacted above.

The State, in setting up the foregoing allegations, summoned as its principal and all-important witness, Jim Conley, who already made public affidavits to all of the charges set forth, except the one of perversion and the exact time of the crime charged.

Conley, after four or five changed statements theretofore made, set up in his final statement on the stand many other seemingly minor dtails not contained in any previous statement.

The foregoing is the State's case in completed form, except that it yel will have the right to produce witnesses in rebuttal of the defense's witnesses; the defense, in its turn, having the right to a further rebuttal of the State's rebuttal.

The defense has contended, or will contend:

THAT Conley's story is a tissue of frightful lies from start to finish, and that he himself really committed the crime charged against Frank, and that the defense will so demonstrate.

THAT Mary Phagan was not killed as early as 12:05 on the afternoon of April 26, but was, as a matter of fact, killed at least fifteen minutes later than that, if, as a matter of still further fact, she wa snot disabled hopelessly about that time, and actually killed even later.

THAT if she was not killed previous to 12:05, as set forth, by the State, that contention being uncompromisingly claimed by the State's own witnesses—Jim Conley and Monteen Stover—then Conley's story is impossible and absurd, and Monteen Stover's evidence entirely negligible.

THAT Frank did not lure Mary Phagan to the rear of the second floor, or to any other place, for any purpose whatever, and that she was only on the second floor sufficiently long to get her pay from the hands of Frank, and that she immediately thereafter left the second floor, going down to the first floor to meet her death at the hands of Conley.

THAT Frank never asked for or received the assistance of Jim Conley in disposing of the body of Mary Phagan, because he was in utter and entire ignorance of the murder until apprised of it Sunday morning.

THAT Frank had nothing whatever to do with the framing of the nates found beside the dead girl, and that in support of such a charge the State has only the word of Jim Conley, intensely interested in shifting the blame from his own guilty shoulders and on to the shoulders of Frank.

THAT Frank never paid Jim Conley any sum of money for any purpose whatever on Saturday, nor promised him any sum for any purpose whatever, and that Conley's word alone says that he did.

THAT whatever nervousness Frank displayed, if he displayed aiy unusual or unnatural nervousness at all, was occasioned by the mysterious attitude of the officers notifying him of some unnamed trouble at the pencil factory, and that in support of his approximately normal frame of mind is the fact, proved by the State's own witnesses; that he opened the office safe to look up the record of Mary Phagan, after having acquired knowledge of her identity, without tremor or hesitation whatever, setting the intricate combination and easily opening the safe on the first trial.

THAT his innocence of all guilty knowledge of the crime is further evidenced by his three hours' perfectly normal work on his books in the factory on the afternoon of April 26, at which time, if the State's theory holds, Mary Phagan, with Frank's knowledge, then was a corpse in the basement, dead at his murderous hands.

THAT Frank, instead of declining to look upon the face of the dead girl at the undertaker's while on his way to the factory Monday morning, did, as a matter of fact, look upon her face and recognized her.

THAT Frank had no counsel until after his retention at police headquarters had been publicly made known, and when he was notoriously under suspicion, and that even then counsel was sent to him by some outside friends, and did not come at his invitation paid off by Frank upstairs, hit her a violent blow upon her head, snatched her purse from her hand, and at once threw her body into the cellar by way of a nearby open space, for fear of someone coming into the building; that likely the blow first delivered was not sufficient to kill, and that her actual death was hastened, or may have been hastened later in the cellar below, by means of strangulation, there being always there an abundance of the very cord employed or supposed to have been employed in that act. or by his direction.

THAT Frank's refusal to meet Jim Conley, his lying accuser, was natural and proper in the circumstances, and that such a course was persisted in by the particular advice of his counsel; that Frank was under no moral or legal obligation to discuss his case with Conley, or with any other witness for the State.

THAT Frank, far from being a dissolute character, is a man of unblemished integrity, happily married; that he never has practiced depraved and perverted crimes, because such things would be and are entirely foreign to his nature; that he never has associatd with immoral persons anywhere, at any time; that neither Jim Conley nor any other person ever acted as "lookout" for him for any purpose whatsoever—and that every monstrous and untrue charge or suggestion of immorality and degeneracy rests absolutely and finally upon the unsupported word of Conley, and not otherwise.

THAT there has been no tenable motive assigned to Frank for the murder of Mary Phagan; that the girl was not sexually violated or in any manner lacerated; that Frank had only the most casual acquaintance with her, and that of a perfectly natural business sort, and that he could not have had, and did not have, any reason whatever for desiring her death.

THAT, in truth and reality, the motive prompting the murder of Mary Phagan was robbery upon the part of Conley, and that for the purpose of securing her pittance of money, contained in a mesh purse, he did murder her and concealed her body in the basement.

THAT, as a matter of fact, Mary Phagan reached the National Pencil Factory on the afternoon of April 26 about 12:12 or 12:15; that she came up the steps directly to Frank's office, and received her pay for the time due her, in amount $1.20; that she at once departed Frank's office, without comment of any sort, and that Frank never saw her alive thereafter; that going down the steps, with her silver mesh bag in her hand, she had to pass Jim Conley, recently aroused from a drunken doze; that in attempting to get from the foot of the stairs, where Conley was sitting, to the door, some 20 feet away, she had to traverse a gloomy walkway, more than ordinarily gloomy at the time because the day was a legal holiday and the doors were closed, but not locked; that in traversing this walkway her back was toward Conley; that Conley, without money and craving more liquor, saw the unprotected little girl with the enticing silver bag in her hand, and surmising that she had been

THAT after accomplishing his bloody deed Conley escaped by withdrawing the inside staple from the basement back door only a few feet away from the place where the dead girl subsequently was found; and that tracings of Conley during the afternoon of April 26 at various saloons about town show that he spent then an amount of money approximately that which Mary Phagan is supposed to have had in her purse at the time of her murder.

That of all her possessions the purse alone, notwithstanding exhaustive inquiry, never was accounted for until the last day Conley was on the stand, when he stated that Frank had had the purse in his possession just after the murder, and that he had concealed it in his safe. This allegation, the defense points out, is sustained, as are the other most damaging allegations, by Conley's unsupported word entirely.

THAT Conley, the State's main witness, is a notoriously dissolute character, by his own admission seven times a jailbird, many times a liar, even under oath and on the witness stand, and admittedly was "mistaken" in some statements made against Frank; that he did not begin to throw suspicion on Frank until after suspicion began drifting in his (Conley's) direction; that his plea of wishing by his first silent course of conduct to "protect" Frank is not sound, because after the feigned disappointment that Frank did not "get him out of his trouble, as he had promised," and declaring that he, therefore, intended to tell the "whole truth of the murder," he still persisted in his lies and falsifying to the attempted damage of Frank, and found it necessary to issue three conflicting affidavits before he got one he thought might be depended upon to stand up.

THAT Conley began his statements with a lie—to the effect that he could not write—and continued lying steadily thereafter, but frequently canceling one lie in favor of another, as his first lies were shown to be useless and senseless.

THAT Conley in revising his various statements was aided and abetted by various police officials, presumably anxious for the reward offered for the apprehension and conviction of Mary Phagan's murderer, and that these officers pointed out to Conley the discrepancies as they arose from time to time, and that without this aid Conley's story never could have been made to hold together even as well as it did; that notwithstanding this prejudicing aid, however, Conley's story still is impossible and absurd, and of no account whatever against Frank.

The foregoing, in general, is the theory of the defense, as already set up and as yet to be developed, and along that line it will fight its battle to the end.

The defense is heavily equipped with witnesses to sustain its every contention, and these will be offered, in their ordr, to brak down the contrary theory of the State, as hereinbefore outlined, and upon th relative strength of the two showings depends, of course, the verdict.

Of absorbing interest now is the seeming determination of the defense to put Leo Frank's character frankly and fearlessly in evidence.

In a former article in The Sunday American several weeks ago I predicted that the defense would do this—and the then apparent determination of the defense along that line shows no symptoms of having been deviated fro min the slightest.

When Conley made his additional unanticipated attack on Frank's character from the witness stand, it was rather freely predicted about the streets that Frank never would, after that, agree to have his character put in evidence. Under the law, the State can not put the defendant's character in evidence—if it is put in at all it must be put in by the defendant voluntarily. Once in, however, it may be riddled by the State, if the State is able to riddle it.

The determination, therefore, of the defense to put Frank's character in evidence is being accepted generally as indicating an unfaltering confidence upon the part of the defense that Frank may be able thereby to overcome the terrible and prejudicial charge of degeneracy, as well as the charge of murder, both resting so largely upon Conley, and Conley alone; and it also indicates a belief upon the part of the defense that the State already has done its worst in the matter of attacking Frank's character.

MUST REFUTE TWO CHARGES.

The fact that Frank is now engaged in refuting two charges instead of one makes his case double unique in Georgia, as it is contrary to the unbroken theory of the law heretofore.

In Georgia, the courts uniformly have held that a man can not be tried for more than one offense at one time—that is, that he can not be charged with murder, and in the same trial be called to account for another felonious crime.

The charge of degeneracy, however, got into the case without objection, and Frank's lawyers cross-examined the witness making it. The judge, therefore, although a motion was made afterward to strike out this evidence, ruled taht it was too late to expunge it, and that it should go in for what it was worth.

This ruling, while in a way more or less unprecedented, was, in the main, by the public seemingly approved, upon the idea that it was fairer to both the State and the defense that the horrible charge, having been made, be thrashed out.

Should Frank be convicted, it is practically certain that a new trial will be asked on this very point, and it is not at all improbable that Judge Roan will grant it, although this conjecture is purely and absolutely speculative, of course.

The defense has summoned some seventy character witnesses, among whom are more than two score femal employes of the National Pencil Factory, all of whom will swear, it is said, to the defendant's decent and gentlemanly conduct at all times in their presence and during their varied terms of service in the factory, running from one to five years.

INTENSE INTEREST HOLDS.

Besides these, a score or more of Atlanta's most prominent business and professional men have been cited to come to court and testify in behalf of Frank's good name.

Rarely before, if ever, has there been as intense interest in a murder trial as there unquestionably is in the Frank case.

The crowds attending the trial have been enormous, the officers finding it necessary every day to turn away hundreds of anxious would-be spectators.

Public sentiment has swung back and forth—to-day inclined to believe Frank may be innocent, to-morrow sternly the reverse.

The jury, sitting there in the courthouse, day after day, has been the subjective study of hundreds of real and near analytical minds—and the answer?

Every fellow answers for himself. The jury is imperturable, unreadable, almost seemingly indifferent at times, indeed—but always keenly keyed to intense interest, nevertheless!

One might as well undertake to read the riddle of the Spinx as to read the riddle of the Frank case in the minds of the jury trying it. It looks as if it is a jury well above the average—and that is about the beginning and the end of an intelligent guess as to what it will do.

Judge Roan is as baffling as the rest of the case, too, when it comes to speculating upon what he may or may not think of it all.

He is rated one of the very best Superior Court judges in the State, unusually able, certainly fearless, and agreed to be utterly fair and impartial.

At times, his rulings have seemed to favor the defense, and at other times they have seemed to favor the State; but, withal, the public seems agreed that he is handling the case with an open and judicially just mind.

Speculation as to Outcome.

Speculation as to the outcome of the trial is varied. There are those who can see nothing ahead but conviction, just as there are others who can see nothing but acquittal.

If a ballot could be taken, however, those holding to the idea of a mistrial likely would be found in the majority, for that is the way the fght seems, to many observing minds, to be drifting.

That section of the public generally credited with being calm, poised, and desirous of seeing the right prevail, no matter which way it cuts, apparently has suspended judgment. Extremists pro and con still are talking themselves hoarse about town, however.

The progressing inclination among the people seems to be to let the jury settle it, and then to call that as near right as abstract justice and human ingenuity can make it.

In the event of an acquittal, the case ends. The State has no appeal. It must win on the first round, or it loses for all time.

The defense, on the other hand, if it loses, may move for a new trial, upon proper assignment of error in the first trial. The judge of original jurisdiction passes upon this motion—he may grant it or not, as his discretion directs.

The general policy of judges is to refuse motions for new trials, but it is not an unbroken policy, by any means.

If the new trial motion is denied, the case goes to a court of review—either the Supreme Court or the Court of Appeals. If one error or several be found in the original rulings of the court below, the case will be remanded back for a new trial, the judgment thus having been reversed and set aside.

Then the case begins all over again, practically as if it never had been tried.

In the event of maters taking that course, Frank hardly could be tried again before next year, 1914, and perhaps not before spring.

Conley Indictment Likely.

If Frank is acquitted, there is hardly a doubt that Jim Conley will be promptly indicted for the murder of Mary Phagan, and brought to trial later.

In the event of Frank's final conviction, Conley will be indicted as an accessory after the fact. This would mean a sentence of not more than three years in the State penitentiary for him.

If Frank is convicted, he can be convicted only of murder—the jury will not be permitted, under the form of the indictment, to find him guilty of a lesser crime.

The judge will have no discretion in sentencing him.

If found guilty, without a recommendation to mercy, he must hang, unless the Governor should subsequently interfere and order executive clemency.

If he is convicted, and the jury "recommend him to the mercy of the court," the court then will be obliged to send him to prison for life.

The general opinion is that the present trial will run all of this week—that the best to be expected is that the jury may be given the case by Saturday night.

After the evidence is all in, the case still will have to be argued to the jury. It is thought that Judge Roan will take the bridle off in respect of this, and both sides will be permitted to go the limit.

Mr. Rosser and Mr. Arnold will consume at least one entire day in argument, and Mr. Dorsey and Mr. Hooper will not take less time.

It is expected that Hooper will open for the State and Dorsey close, and that Rosser will open for the defense and Arnold close. The State has the opening and the concluding argument before the jury.

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WHITE SLAVE CASE WHICH INVOLVES U.S. GOES TO TRIAL

Diggs Faces a Jury and Caminetti Will Later Fight Charge of Taking Girls to Reno, Leaving Their Wives in State of California.

After Five Months of Delay and Scandal Involving National Officials, Special Prosecutors Are Appearing for the Government.

SAN FRANCISCO, Aug. 9.—Marsha Warrington and Ida Norris, the Sacramento high school girls alleged to have been taken to Reno in November by Maury I Diggs and Drew Caminetti for immoral purposes, will take the stand against Diggs when his trial is resumed Tuesday. No session of the Diggs trial was held today. Diggs and Caminetti will take the stand before the trial is concluded.

Judge Van Fleet dealt the defense a hard blow yesterday when he announced that the jury would not consider the willingness or unwillingness of the two girls to accompany Diggs and Caminetti.

The jury to hear the case of Diggs, the former State Architect, was announced complete after considerable difficulty in selecting the twelve members. Exhaustive examination of 96 veniremen was necessary before the twelve were chosen.

The first witness was called. He was F. J. Peck, a Reno real estate dealer, by whom the defense sought to show that the bungalow occupied by the defendants in Reno had been rented with no view to concealment.

Prejudice against the defendants runs high, rendering exceedingly difficult the task of picking a jury. Of the twelve men chosen, eight are married and have children, two are married, but childless, and two are single men, living with their parents. Indicative of the general temper of San Francisco was the reply upon examination of Philip Woolsey, who afterward was chosen as a member of the jury. He expressed his prejudice against "any married man who will abandon his wife and babies and run off on a spree with another woman," but said he could, however, render a verdict strictly in accordance with the evidence.

Cases Come Up Separately.

The cases against Diggs and Caminetti will be tried separately because the prosecution feels it has made out the stronger case against Diggs, and because the defense in this case will assume a course different from that in Caminetti's.

Diggs and F. Drew Caminetti, son of former Congressman and present Commissioner General of Immigration Caminetti, are charged with luring Miss Marsha Warrington and Miss Lola Norris from California to Nevada for immoral purposes. Both are married men.

Diggs, the prosecution will attempt to show, financed the trip to Reno, where the girls were taken, and rented there a cottage in which the party lived.

Diggs, against whom the charges are made in relation to Miss Marsha Warrington, is said to be contemplating a fierce attack on the character of the girl. He has subpenaed habitues of the "Barbary Coast" resorts of this city and twenty witnesses from Sacramento's tenderloin. Caminetti is making no such move against Miss Norris. The Government asserts her character to be unblemished.

Mrs. Caminetti Relentless.

Caminetti's wife is relentless in her attitude toward her young husband. She said that despite the disgrace it may bring on their children, she thinks, for the protection of other married women, her husband should be made an example.

Mrs. Diggs, also, is bitter toward her husband. The defenders of both men, however, to-day are claiming a complete reconciliation of the defendants with their wives, and declare that when the trial gets fully under way both Mrs. Diggs and Mrs. Caminetti will be seen sitting at their husbands' sides, a spectacle which, the defense calculates, will have an effect to their advantage on the jury.

Diggs and Caminetti both are free from custody, having taken advantage of the $10,000 bail offered them. At first they feared freedom, as violence was anticipated, but later this fear was overcome.

Diggs appears to be cheerful to-day, taking matters easily. He is scrupulously dressed. He came into the courtroom, with his flock of attorneys, bearing a cheerful smile, and bowed a dozen times to familiar faces that he saw near. Caminetti, on the other hand, seemed deeply worried. He was pallid and palpably very nervous. His father, the Commissioner General of Immigration, did not make his appearance, and probably will not be seen at the trial.

Two Special Prosecutors.

The trial is being held in the Federal Court before Judge Van Fleet. Matt I. Sullivan and Theodore R. Roche, president of the San Francisco Police Commission, have been appointed special prosecutors by Attorney General McReynolds, to take the place of District Attorney Gavin McNab, who resigned with the announcement that undue influence was being brought to bear from Washington to prevent the trial of the two men.

Arrayed with the special prosecutors are Archie Johnson, son of Governor Johnson, and Acting District Attorneys Benjamin L. McKinley and Thomas H. Salvage.

Diggs and Caminetti have an equally impressive line-up of legal defenders, including Robert L. Devlin and Marshall B. Woodworth, both former United States District Attorneys; Nate Coghlan and S. Luke Howe.

A heavy guard is thrown around the courtroom because feeling runs high against the two defendants. The two girls involved were high school students of Sacramento and of estimable families. Both, attorneys for the Government announce, will be ready to take the stand against the men.

The Government will charge that Diggs and Caminetti, both married men, had drawn the girls into a liaison; that they terrified the girls into the belief that their wives, having discovered their infidelity, intended to have the girls arrested, and that to escape this imaginary danger the girls accompanied the men to Reno, Nev.

PRINCIPAL figures in the white slave case which has stirred the whole nation and involved official circles. Snapshot of young Caminetti and Diggs, the girls for whom they deserted their homes, and United States Commissioner of Immigration Caminetti. Young Caminetti has a cigarette in his hand. To the right is Marsha Warrington, and to the left Lola Norris.

McNab Outlines His Case Against the Defendants

In his report Mr. McNab gives the following pen picture of Caminetti and Diggs:

"The defendant Diggs was a draughtsman in the office of the State Capitol in Sacramento. He is married and has two young children.

"But a short time before the actions hereinafter narrated he was involved in a forgery charge, and for a long time, by common repute, easily substantiated by evidence, he maintained what has been denominated as a 'private harem' at his rooms in a downtown block in Sacramento. Here, according to charges laid before me, he enticed many young women to go to serve his immoral purposes.

"Caminetti was his bosom companion. The defendant Caminetti has a vicious reputation for seducing girls, and I have shocking instances which I can produce to establish this fact.

"The two girls in question, both of whom are about 19 years of age, come of most respectable families. Marsha Warrington is the only daughter of the agent of the Santa Fe Railroad. Lola Norris is the only daughter of a retired business man of Sacramento.

"After going with the young women for some months the two defendants, who had determined to entice the girls away from home and take them to another State, began a systematic campaign of coercion and inducement to get them to flee the State with them.

Their Stories to the Girls.

They told the young women that Mrs. Diggs and Mrs. Caminetti had found out about their relations and had procured warrants for their arrest from the Juvenile Court and were only awaiting the appropriate time to serve them; that Mrs. Diggs and Mrs. Caminetti were relentless and intended to expose the whole matter, and that the families of the girl would be disgraced and ruined; that the only way to save the girls from disgrace was secretly to leave the city and go to another State, where they would acquire a residence, the men would divorce their wives and marry the girls, etc.

"The young women were in absolute terror. They repeatedly appealed to the defendants to allow them to remain at home and not to disgrace them, and begged to be allowed to unbosom their indiscretions to their parents and have their advice.

"Up to this time, according to the uncontradicted evidence, Diggs had been unduly intimate with Miss Warrington for a few weeks; the Norris girl had never been violated before this trip to Reno.

"On arrival at Reno they were assigned to bedrooms, Diggs and Miss Warrington occupying one room and Caminetti and Miss Norris the other. According to the testimony of the young women, they were wholly in the hands of their male companions. They had never been away from home or their parents before and felt that they were powerless to save themselves.

"Appealing to the men to know what was to be done with them, the young women were told that their ruin was complete; that they would not desert them, but that the young women were to continue to live with them as their mistresses, and that they would take them to Salt Lake, where they would go into a 'house.'

"The Grand Jury had ample evidence before it in these statements to decide that the intent was to put them in a public place.

Barely Escaped Lynching.

"The defendants were secretly taken from the train and brought to Sacramento by auto to avoid lynching by the enraged citizens. Defendants procured counsel. Among these is Charles Harris, of the Sacramento bar. He and Diggs immediately set about to defeat justice by corrupting a witness. Diggs wrote an appealing letter to Miss Warrington under an assumed name, urging her to stand by a certain agreed story he had drilled her in while in Reno. The letter is in my possession.

"The Grand Jury has indicted Harris and Diggs for conspiracy to suborn perjury.

"The friends of the defendants are reported to have stated repeatedly that they could 'easily fix the case;' that they had too much money and too much influence at command to cause them to worry." This seems to have come principally from the Diggs end of the case."

Nearly Five Months to Bring Caminetti and Diggs to Trial

MARCH 10.

Farley Drew Caminetti, married, twenty-seven, son of U. S. Commissioner of Immigration Caminetti, with Lola Norris, nineteen, unmarried, and Maurice I. Diggs, married, ex-State Architect, about twenty-eight, and Marsha Warrington, nineteen, unmarried, all of Sacramento, go to Reno, register under assumed names, rent a cottage later, and live four days together when arrested. The men assert they are unhappy and intend to marry the girls after securing divorces.

MAY 19.

The men are indicted for violating the Mann white slave law, put under bonds of $10,000 and their cases put on the calendar for trial in June. Citizens all over California appeal to U. S. District Attorney John L. McNab to push the cases.

MAY 27.

United States Attorney McNab wires Attorney General McReynolds that both prisoners were boasting of their "influence at Washington," and that strenuous efforts were being made to secure postponement of trials; also that bribery and perjury were being used in their behalf.

JUNE 18.

Secretary of Labor Wilson telephones McReynolds "that Commissioner of Immigration Caminetti, who has applied for leave of absence to attend the trial of his son, can not be spared."

JUNE 19.

McReynolds telegraphs McNab to postpone the cases till fall.

JUNE 21.

McNab sends in resignation to President Wilson.

JUNE 22.

McReynolds' comment: "I'm not shedding any tears; he is a Republican."

JUNE 23.

Secretary of Labor Wilson assumes responsibility for McReynolds' action. A Cabinet meeting is called and **President Wilson overrules McReynolds** and orders the cases rushed.

JUNE 24.

The President accepts McNab's resignation with a rebuke for giving "his resignation the form of an **inexcusable intimation of injustice and wrongdoing.**" In a letter to McReynolds he says: "I am entirely satisfied that the course you took in these cases was prompted by sound and impartial judgment and a clear insight for what was fair and right."

JUNE 28.

James C. Mann, Republican leader, bitterly attacks McReynolds and Secretary Wilson, both Cabinet officers.

JULY 6.

The Hearst papers print the suppressed correspondence between McReynolds and McNab and others, showing the Attorney General knew of the seriousness of the case.

JULY 19.

Republicans start a filibuster in House to secure a full discussion of the case.

JULY 26.

Filibuster ends with victory for Republicans.

JULY 31.

Case of Diggs comes to trial August 5.

Foundling Is Heiress To $100,000 Fortune

Father Makes Wealth After He Had Left Baby in Michigan Institution.

CADILLAC, MICH., Aug. 9.—Sheriff Chamberlain has been asked by an attorney in Corning, N. Y., to locate Bessie Weaver, who was adopted by a Manton, Mich., family from a New York foundling home over twenty years ago, and a few days ago became heir to $100,000.

Mr. and Mrs. Frank Weaver, of Manton, who adopted the child when on a trip through New York, returned her to the home five years later. Since that time nothing has been heard from her. The father of Bessie Weaver, or Bessie Clark, as she was known in New York, made his fortune after placing his child in the home, but has been unable to locate her since she was taken back from Michigan. He recently died, leaving his fortune to his only child.

GIRL HELPS FATHER IN BUILDING NEW HOUSE

HARTFORD, MICH., Aug. 9.—One year ago S. H. Atkins and family came to this city and built a house in a field of rye in the outskirts of the city. Recently they sold the home, and with the proceeds purchased four adjoining lots. They are now building a much larger house, which will be the sixth they have erected since the little home was built.

The scarcity of carpenters caused the mother and daughter to assist Mr. Atkins in the building of his new home. The mother and 9-year-old daughter did all of the lathing.

Ban on Tobacco Seen By Prohibitionists

Smoking and Drinking Are Blamed for Increase in Chronic Diseases in America.

BATTLECREEK, MICH., Aug 9.—That tobacco as well as liquor will be placed under national prohibition before the end of another generation, is the assertion made here by Irving Fisher. Fisher blames liquor, tobacco, overuse of meat and too strenuous life for the terrible increase of chronic diseases in America.

Spooners Protest Against Headlights

Big Illuminating Power Now Carried on Engines Is Worry to Summer Boarders.

MINNEAPOLIS, Aug. 9.—The Chicago, Milwaukee and St. Paul Railroad has placed monster 1,220-candlepower electric searchlights on the observation cars of the Pioneer Limited.

Letters have found their way into the general offices of the company signed by summer hotel men, houseboat owners and the public generally, protesting against the innovation. Spooners do not like it.

Buys a $4,000 Auto To Use Cheap Gas

When Ex-Senator Scott Has Burned 60,000 Gallons He Will Have Saved Cost of Car.

WASHINGTON, Aug. 8.—The house of Senator Nathan Bay Scott, of West Virginia, is divided against itself, with automobiles as they issue. The Senator and Mrs. Scott are devoted to each other. They attend the same dinners, theaters and social functions together, but they arrive and depart in separate motor cars. It came about this way:

The senator has been paying 22 cents a gallon for gasoline to propel the family machine. He discovered a place where the price was 17 cents. With much glee he informed Oscar, the family chauffeur, of his discovery and directed that Oscar purchase gasoline there.

Oscar demurred because the gasoline emporium was too far from the family mansion. Mrs. Scott backed him up. Whereupon Senator Scott bought himself a $4,000 machine, acquired a chauffeur to navigate it and divorced himself from the old machine and Oscar.

After Senator Scott has burned 60,000 gallons of gasoline he will have saved the cost of the car. But he doesn't have to ride with Oscar.

PENSIONER, NOT IN WAR, ASKS RAISE OF STIPEND

BIG SANDY, MONT., Aug. 9.—After having enjoyed a pension of $12 per month for sixteen years, John Truax, of this town, confessed that he had never been entitled to the money. He had a preliminary examination before United States Commissioner Ragan and was bound over to the Federal District Court.

Truax might have gone on drawing the pension until death had he not lately made application for an increase.

ORPHAN SOUGHT AS WIFE BY MAN WRITING POLICE

Would-Be Benedict Gives Evidence in Letter That He Fears Mother-in-Law.

OAKLAND, CAL., Aug. 9.—J. Keler, of Fresno, is a marrying man. He proved it by writing a letter to "the Chief of Police or the City Marshal of Oakland" and entreating that official to find him a wife. He wants a wife who has means equal to his own—amount not stated—and indicates in his letter that he would expect her to assist him in his merchandise business. He assures all responsible applicants that he is sober and industrious and hasn't a single bad habit.

If you are a maid, a girl or a widow who reads this, you stand a chance of winning the prize, and if you are an orphan, get busy and send your picture to Keler at once. He takes kindly to orphans, as is evidenced from the following excerpt from his letter:

"Will answer all questions and letters from girls, maids and widows, but would prefer to wed an orphan. Will give my business to the one I wed, that she may know I am a square man and will do right."

The following notice was inclosed, with the request that the official post it in a conspicuous place:

"Temperate gentleman would be pleased to form the acquaintance of ladies matrimonially inclined. Give description and full particulars in first letter. Send photo, which will be returned, if desired."

SHEDS TOENAILS BIENNIALLY.

BEDFORD, IND., Aug. 9.—J. W. Mundy, of this city, sheds the nails from his toes every two years, and this has occurred since he was a child. When asked to see his foot, Mundy bared his left foot and showed the old nails, barely hanging to the toes, and the new nails growing under the old ones.

ALL STATES TO SHOW POULTRY AT KNOXVILLE

Exhibition of Best Breeds To Be Feature of National Conservation Exposition.

KNOXVILLE, TENN., Aug. 9.—Birds for the poultry show that is to be held in connection with the National Conservation Exposition in this city during the months of September and October are coming to Knoxville all the way from California. Word of the coming of the California birds has just been received by the poultry department.

Interest in the poultry show is country-wide. From almost every State in the Union will be brought to Knoxville poultry of different kinds. Already it is assured that the poultry show will be the biggest thing of its kind ever held in the South. It will be in fact as well as name "The Madison Square Garden Show of the South."

A most comprehensive exhibit of the great textile industry of the South is assured for the exposition. Progressive manufacturers of Greenville, S. C., have just signed up for a large amount of exhibit space in the All-South building of the exposition and the greater part of that space will be devoted to the textile industry.

In addition to the Greenville textile manufacturers a number of other concerns of like nature in the South, from Knoxville and elsewhere, will make exhibits, and thus this industry, constantly increasing in importance in the South, will receive great attention. The different processes through which cotton goes from the seed to the loom and after will be strikingly shown in the different exhibits.

SALE OF SHOES $1.95

Ladies' hand-turned colonial pumps and oxfords in white canvas, patent colt, tan, vici kid and Russia tan. Among them is a white canvas colonial pump with a low heel, a patent colt colonial pump with a low heel, a pretty black satin pump with flat bow, and many other styles. Monday, Tuesday and Wednesday they go on sale for $1.95

Another lot of White Canvas Pumps and Oxfords on sale for .. $1.45

Men's Sorosis $5.00 Oxfords, $3.85

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OIL LETTERS KILLED HIM POLITICALLY, SAYS FORAKER

Exposes by William Randolph Hearst Responsible for Downfall, Declares Former Senator Before Senate Lobby Inquiry.

Official of National Manufacturers' Association Writes Democratic Simplicity Will Mean Union Label on U. S. Stationery.

WASHINGTON, Aug. 9.—Former Senator Foraker admitted to the Senate Lobby Committee to-day publication by William Randolph Hearst of the famous Standard Oil letters killed Foraker's chances for re-election to the Senate in 1908.

After identifying a letter received from Martin M. Mitchell, the confessed ex-lobbyist, making a report of political activities in Ohio in Forsker's behalf, the former Senator said:

"It was the morning of the day Mr. Hearst's disclosure was made public. An attack had been made on me by Mr. Hearst which destroyed my chances of election, saying I had acted as counsel for the Standard Oil Company. This had created a sentiment in our State very prejudicial to me. I continued as a candidate in the campaign only because to retire from it after I had become a candidate would look like an admission that there was some justification for the attack, whereas there was not any."

Senator Foraker said Muhall, whom he had known thirty years, greatly overestimated his own importance.

No Aid From N. A. M.

Foraker said he had never received aid from the National Association of Manufacturers and while he received a fee of $500 for the part he played in the sale of the Union Pacific Railroad in 1896, he was not in the employ of either David Lamar or Edward Lauterbach in an injunction case against the Union Pacific in 1903.

The House Investigating Committee opened its probe with introduction of correspondence showing the activities of the National Association of Manufacturers in fighting labor legislation in Congress and various attempts to have "conservative" men named as members of House committees.

Discussing the recent sundry civil bill, with its provision prohibiting the expenditure of certain funds for the prosecution of farmers and labor unions under the Sherman law, James A. Emery, counsel of the N. A. M., wrote to President John Kirby, Jr., of the association, on March 7, 1913, after President Taft had vetoed the bill:

"I want to emphasize as hard as I can the importance of lining up for a tremendous demonstration when this bill reaches President Wilson, as it undoubtedly will, with the same provision in it. You will then have an early opportunity to decide whether the glittering Democratic motto, 'Equal right for all and special privilege for none,' means anything or whether the Administration has surrendered completely or will merely turn over the Department of Labor.

Objection to Secretary Wilson.

"I note, by the way, your reference to a letter from C. W. Post on the question of a protest over the appointment of Wilson (Secretary of Labor). A protest on this subject is a mere waste of breath, and on the whole I am inclined to think the whole purpose of this department will be shown up quicker with the unions in control of it than in any other way. Gompers will run it characteristically with a high hand, and if the whole thing does not smell to Heaven within a year I shall be very much astonished.

"By that time Democratic simplicity will probably mean a union label on the White House stationery and the President conferring with the Waiters' Union over the appointment of his steward. At present we have nothing more startling in Jeffersonian simplicity than the news Mrs. Bryan is making a new suit for the Secretary of State, and cakes and ginger ale will be served at the dinner for the British Ambassador. Toothpicks will, of course, be an after-dinner course at all Cabinet receptions, and the demand for dress suits will be confined to waiters in the hotels."

In this same letter Emery advised Kirby, "If you have any idea Taft would have vetoed this bill of his own motion, get over it. A list of public men who had 'pie' in this $113,000,000 appropriation bill included many prominent men in both Houses."

Folly of Suffrage Shown by Dresses, Says Mrs. Marshall

Vice President's Wife Believes Women Can Do More Good Correcting Cabarets.

CHICAGO, Aug. 9.—Slashed skirts with the silhouette gown and other freaks of modern fashion are the worst enemies of the newly made voters of Illinois, and the cabaret and the turkey trot are more in need of reform than Chicago's First Ward, in the opinion of Mrs. Thomas R. Marshall, wife of the Vice President, who was in Chicago with her husband.

Mrs. Marshall declared frankly that she was opposed to the municipal power recently granted to the women of Illinois. Mrs. Marshall said:

"I have never been a suffragist. To me the fashions of to-day ought to convince any one that a woman is not fit to vote. Some women's dress is not only extreme, it is objectionable. A woman would do more good by correcting the dances in our cafes and cabarets than in running for office.

"The women in the East are not strongly in favor of the ballot, and none of the Cabinet women seems to favor it, with the exception, perhaps, of the President's daughter, Miss Jessie Wilson."

Two Young Women Steal Trolley Car

Girls Abandon It After It Catches Fire on Their Morning Joy-Ride.

LOWELL, MASS., Aug. 9.—The police are searching for two well-dressed young women, who, it is alleged, stole an electric car from the corner of Pawtucket and Middlesex streets, early to-day, drove it nearly a mile into Middlesex Village, and then abandoned it after it was in flames.

The car, with a score of others, was left on the tracks near the car barns of the Bay State Company. It was missed shortly before 2 a. m. and within a few minutes an alarm of fire was pulled in. At the same time two young women were seen running from the place.

Persons living in the vicinity state that they saw the blazing car whirl past their homes, and that they heard women laughing as it passed.

Beats His Wife to Get Up an Appetite

Husband Confesses in Court That He Used This Exercise Before Eating Meals.

NEW YORK, Aug. 9.—Convicted for the sixth time in three years for beating his wife, Peter Pellerine, 43 years old, of No. 1407 Third avenue, was sentenced to the workhouse for six months in the Harlem Police Court yesterday.

According to Mrs. Pellerine, her husband came home early on July 3, declaring that he was hungry, and beat her with a stick until she prepared breakfast, saying that the exercise afforded him an excellent appetite. He then disappeared, returning home on Thursday morning to repeat the beating.

Pellerine pleaded guilty and acknowledged five previous convictions for the same offense.

Here's How to Make Congressional Salad

Wife of Representative Smith of Minnesota Invents Dish Popular in Capital.

WASHINGTON, Aug. 9.—Mrs. George R. Smith, wife of Representative Smith, of Minneapolis, whose husband is a neophyte in the Sixty-third Congress, has invented a new salad called the Congressional salad, which has grown in vogue among the hostesses here.

This is how she makes it:

One grapefruit, one orange, one pine apple, or two apples, nuts according to taste and a pinch of salt. To this chopped up fruit she adds cream doubly whipped. The salad is served on squares of buttered toast or browned crackers.

Philadelphia Women Gamble on Baseball

Vice Squad Detective Finds Hundreds of Them Taking Chances in Pool.

PHILADELPHIA, Aug. 9.—Three hundred women gamblers, working in mills and spending their money on baseball pools, have been counted by Detective Charles Lee, head of the vice squad here. Harry Reed, of No. 4419 Germantown avenue, has been held in bail by Magistrate Coward, having been charged with operating a pool. Lee says 1,800 persons gambled on ball games in Reed's place each week, most of whom were women. The chances cost 25c each.

AGED HUSBAND SUES GIRL WIFE WHO SPENT FORTUNE

PITTSBURG, Aug. 9.—Joseph Walters, aged 70, a prominent McKeesport man, who married Ruth Henderson when she was 17 years old, filed a suit in Divorce Court, asking a decree because his wife, after forcing him to spend his fortune of $100,000 on her, "ran away."

WOMAN DEITY CREATED MAN, SAYS TABLET

New Version of Genesis Found in University of Pennsylvania Nippur Collection.

DATE IS FIXED AT 2100 B. C.

Dr. Arno Poebel's Discovery Is Regarded as Oldest Story of Origin of World.

PHILADELPHIA, Aug. 9.—It was a woman who created mankind, according to a tablet 4,000 years old just deciphered at the Pennsylvania University Museum by Dr. Arno Poebel, who is at work translating the tablets dug up in Nippur some years ago by the museum expeditions.

About 37 years ago George Smith, the English scholar and explorer, brought back from Babylonia the cylinders which gave a Babylonian account of the origin of mankind and much of his early history, and these not only excited great interest but had a profound effect upon the theological teachings. The parallelism between the Babylonian story and that of Genesis developed a new school in theological criticism. But the cylinders of Smith only dated back to the reign of Assurbanial in the seventh century B. C. The university museum tablet dates back possibly to 2500 B. C., and it is reasonably certain to be no later than the reign of Hammurbi, about 2100 B. C.

Female Deity Created Man.

The new account of the creation and the flood throws much new light on the early ideas of the Babylonians and Sumerians.

The striking novel features of the new tablet are these:

That it was a female deity who created mankind, known as "the blackheaded," from the color of the hair.

That new deities or new characteristics of the gods are discovered in the original document, although they have been hinted at in other ways. The character of the female goddess is now made important from the earliest times and equal with the two male ruler gods. Later tablets speak of these as unimportant.

That the first seven predluvian cities and the special god of each are discovered.

That the older Babylonian name of the Scriptural Noah is Zingidda.

That deluge ruins of the predeluvian cities were not all destroyed, some not until historic times. There is historic basis to much of the statement in this epic.

Opens With Poem.

Dr. Poebel has prepared a careful literal translation of the tablet. It originally was about seven inches square, but on such a surface the ancients could write in ideographic signs a long epic poem, and that is what this table contained. Like the first chapter of Genesis, the story opens with a great poem on the origin of the heavens as well as of the earth. It appears that Nintu, a female god, created mankind, and she is found lamenting that the other gods seem bent on the destruction of her subjects. She speaks of the human beings as "my creations." It appears that Anu and Enlil were the chief gods of power, although they were among seven of equal rank, the first being god of heaven and the second god of earth. Then comes the story of the creation:

"Nintu created the blackheaded," (human race). . . . "The fields of the ground produced abundance, the cattle and the four-legged beasts of the field artfully they (the gods) called into existence."

Slit Skirts Furnish Mosquito Clan With Choicest Barbecue

Trainload of Winsome Stenographers and Milliners Have to Tramp Through Stegomyia Belt.

NEW YORK, Aug. 9.—"All those in favor of slit skirts, please stand up."

Millions of full grown mosquitoes and three or four little fellers were rushing wildly out of their apartment houses in Flushing Meadows, about 7 o'clock last night, and took part in the most rollicking barbacue ever held in the East.

Right in the middle of the salt grass waste were five cars of a Long Island Railroad train, stalled. The lights were out, men were running up and down shouting orders and Flushing was two miles away. After the train had stood for a few minutes, out of the passenger cars poured the choicest morsels of humanity that Mr. and Mrs. Culex Pungens and the little Pungenses ever saw. There were stenographers, typewriters, cashiers, millinery attaches and buxom matrons. Slit skirts were numerous.

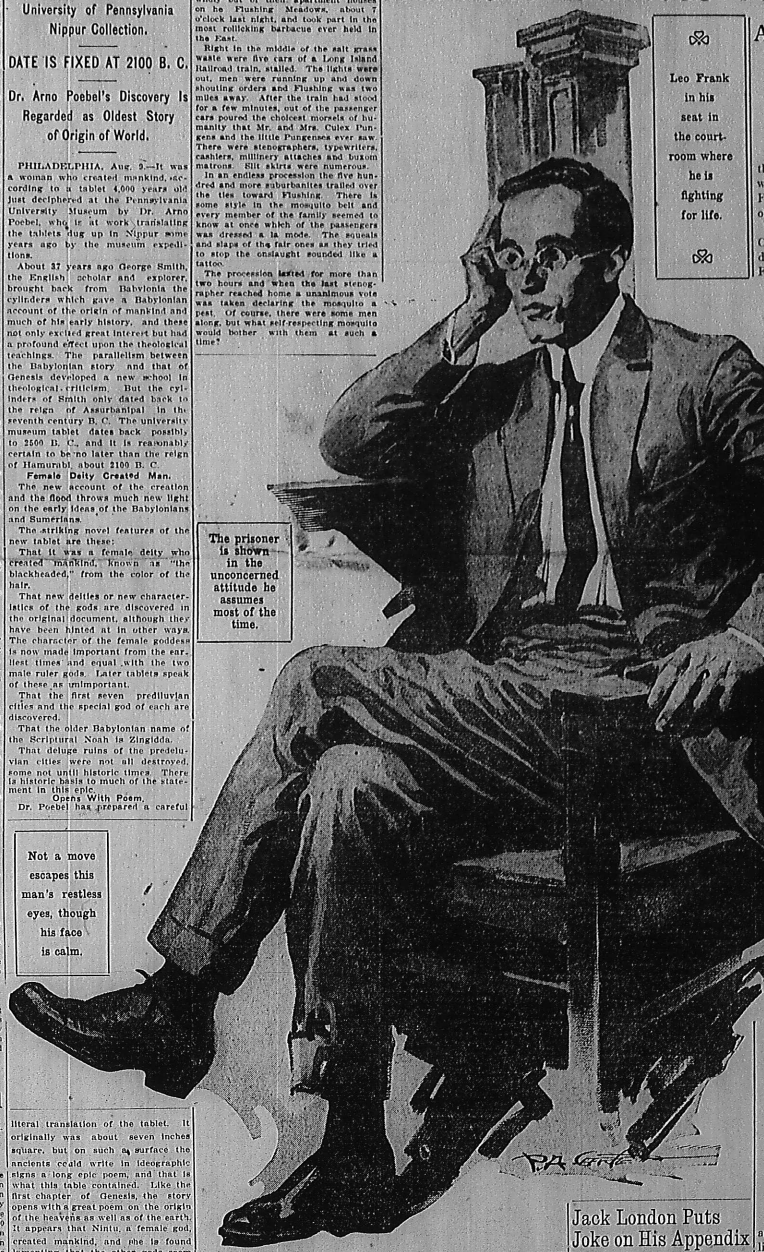
In an endless procession the five hundred and more suburbanites trailed over the ties toward Flushing. There is some style in the mosquito belt and every member of the family seemed to know at once which of the passengers was dressed a la mode. The squeals and slaps of the fair ones as they tried to stop the onslaught sounded like a tattoo.

The procession lasted for more than two hours and when the last stenographer reached home a unanimous vote was taken declaring the mosquito a pest. Of course, there were some men along, but what self-respecting mosquito would bother with them at such a time?

NEGRO FIRM IN ACCUSING FRANK

He Describes Slaying of Mary Phagan

Defense Battles for Lite This Week



Leo Frank in his seat in the courtroom where he is fighting for life.

The prisoner is shown in the unconcerned attitude he assumes most of the time.

Not a move escapes this man's restless eyes, though his face is calm.

Although Conley Admits Some Lying He Sticks to the Main Story Under Terrific Cross-Examination---Heat Causes Suffering in the Court.

By TARLETON COLLIER.

Leo Frank's lawyers promise that with the beginning of the third week of his trial the full force of their defensive evidence will be displayed. Little testimony of significance was offered in Frank's behalf during the brief period following the termination of the State's case last week.

The State practically closed its case with the evidence of Jim Conley, the negro sweeper, who declared that he helped Frank dispose of the body of Mary Phagan, the girl whom he swore Frank killed. The testimony of the few State witnesses who followed the negro was much of an anti-climax, coming as it did after a story that was thrilling in the extreme.

C. B. Dalton, who said he had been with Frank in several escapades in which girls were concerned, and Dr. H. F. Harris, of the State Board of Health, who testified as to the condition of Mary Phagan's body, were the important witnesses who followed Conley for the State.

Negro Endures Ordeal.

But Conley's testimony embodied the prosecution's strength. The negro, a man of the most common African type, burly, thick-lipped, anthropoidal, sat for three days in the witnesse's chair, and endured the most exacting ordeal ever forced upon a witness in a court of law. The cross-examination of Luther Rosser and Reuben Arnold, lawyers for the defense, was savage and pitiless at times. The negro, in spite of an apparent lack of intelligence and brain-force, showed the strain. He sat unmoved of body, but perspiration beaded his face. The examination told on him.

But he stuck persistently to the main part of his story. Coolly, calmly, almost nonchalantly, he admitted that he had lied time and again in his testimony, that he had not told the truth in making affidavits damaging to Frank during the investigations preliminary to the trial. But his significant accusations against the white man, his former "boss," he maintained were true.

Of his testimony that remained unshaken when he finally was discharged Wednesday afternoon, these facts were prominent:

On the morning of April 26, at Frank's behest, he had taken his station at the door of the National Pencil Company building, to watch.

Frank was upstairs in his office, at the front of the building.

Mary Phagan entered at his door and went upstairs.

He heard footsteps as if someone walked from the front of the building to the rear, upstairs.

Soon after he was summoned by Frank, who told him that a girl was hurt.

He found Mary Phagan in the lathe room, at the rear of the building, dead.

Together he and Frank bore the body to the cellar.

With numerous details the negro embellished this story. Time and again Luther Rosser forced the negro to admit that he had lied about this fact or that, but, although coaxed and browbeaten, the negro maintained steadfastly his main charge against Frank.

Words Have Dramatic Force.

He repeated it persistently, with the appearance of earnestness that is common to the ignorant members of his race. He talked and gesticulated in a manner to show that he was indeed illiterate and ignorant. But in the very simplicity of his words and manner there was a dramatic force, particularly when he was telling his story under the direction of the Solicitor General.

"I wrapped up her body like a bundle of dirty clothes," he said. It was one of many of his statements that, told with simple directness, thrilled those that heard.

The prosecution allowed him to tell his story unchecked. But

ADMITS HE'S DECENT IN ANSWERING MARRIAGE AD

YONKERS, Aug. 9.—Reginald P. Sherman, editor of The Rye Courier, already has received one reply to the advertisement inserted in his paper by a "gentlewoman with large tract of land not far from Port Chester," who is seeking "an unselfish, decent, self-supporting man for a husband."

He turned the letter over to the advertiser, whose identity is being guarded carefully. The letter bore a Brooklyn postmark.

AUTOS EMPTY CHURCHES, SAY COUNTRY PREACHERS

MANHATAN, KANS., Aug. 9.—The dwindling of the congregations of country churches, due to the new era of automobiles, which makes it easy for the rural residents to attend services in nearby towns and cities, will be discussed at the Conference of Rural Leaders, July 21 to 25, at the Kansas Agricultural College. Members of the organization declare that Kansas now has about 1,200 abandoned churches in the farming districts.

Jack London Puts Joke on His Appendix

Novelist Tells the Latest on Former Part of Himself and What's Left.

LOS ANGELES, Aug. 9.—Here is the latest joke Jack London, the famous author, is telling on himself:

London was operated on recently for appendicitis. After the ordeal the surgeon held up the severed appendix in his fingers for the patient to see. The author looked at it thoughtfully then grinned and said:

"It was a case of all alone in London, wasn't it, doc?"

The Weather.
Weather Forecast—Atlanta and vicinity: Generally fair Sunday and Monday.

HEARST'S
SUNDAY AMERICAN

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HUERTA HELD TO ANSWER TO U. S. FOR LIND'S LIFE AND SAFETY

Foreign Relations Committee Told in White House What Wilson's Plans Are to Meet Crisis Now Confronting Nation in Mexico.

Republicans Expected to Cease Harassing Administration Owing to Fact They Are Taken Into Confidence Regarding Situation

DAY'S DEVELOPMENTS IN MEXICAN SITUATION

Special Ambassador John Lind reached Vera Cruz. No demonstration marked his arrival. He is expected to reach Mexico City Sunday.

The United States Government has notified Provisional President Huerta he will be held personally responsible for Lind's protection.

President Wilson summoned the entire Foreign Relations Committee of the Senate and Secretary Bryan to meet him in the White House last night.

Senator William Alden Smith charged on the floor of the Senate that a paid attorney and lobbyist of the Constitutional party in Mexico has the ear of the State Department and is attempting to influence the action of the United States toward Mexico.

WASHINGTON, Aug. 9.—President Wilson told the Foreign Relations Committee of the Senate to-night exactly what his plans are regarding Mexico. That the President believes a crisis has been reached in the situation was evidenced by the fact that this is the first time that all the members of the committee have been taken into the President's confidence.

At the same time it was made public that provisional President Huerta had been notified by the United States Government that he personally would be held responsible for the safety of Envoy Lind.

Republicans as well as Democrats were invited to the White House conference, that lasted several hours.

The President had hitherto kept Chairman Bacon informed of his aims and hopes, but up to this time he had withheld no information to the Republican members of the committee.

Tells Instructions to Lind.

With Secretary of State Bryan, his chief adviser, at hand, the President went over the situation in detail, telling what in his opinion was necessary to avert a break with Mexico and revealing for the first time the instructions that had been given to Special Envoy Lind.

Senators who attended the conference stated that President Wilson had taken the best step possible to unite the executive and legislative branches of the Government for action. The first outcome of the conference is expected to be a cessation of the attacks made by the Republicans on the Administration since the present crisis developed. The minority has continually harassed the Ad-

Continued on Page 5, Column 3.

Do You Know ?
The Biggest Cavern in the World
See First "Want Ad" Page

Callie Hoke Smith Capital Debutante

Make-up of First Democratic "Bud Bouquet" Puzzles Washington's Younger Set.

WASHINGTON, Aug. 9.—The make-up of Washington first Democratic debutante bouquet is the question that is agitating the younger set. It is confidently alleged that Miss Genevieve Champ Clark, daughter of the Speaker, will be one of the buds, and Miss Frances Moore, the daughter of Clarence H. Moore, one of the Titanic heroes, another.

Resident society will furnish two attractive debutantes, who are not only socially prominent, but from Democratic families as well. They are Miss Margaret Britton, daughter of Mr. and Mrs. Alexander Britton and Miss Beatrice Clover, the youngest daughter of Rear Admiral Clover.

A debutante from the Congressional set will be Miss Callie Hoke Smith, daughter of Senator Hoke Smith, of Georgia. Other Congressional buds are the Misses Weaver, Church and Duval.

Chinda Sees Bryan On Japanese Reply

Ambassador and Secretary Arrange for Formal Discussion of Overdue Rejoinder Next Week.

WASHINGTON, Aug. 9.—The Japanese Ambassador called to see Secretary Bryan late to-day, making his second visit within 48 hours.

The former visit of the Ambassador Thursday was explained by the State Department as being the usual call of courtesy on diplomatic day. It was announced, however, that the Japanese reply to the United States is overdue, although it is well known what the reply is.

Baron Chinda, it is understood, made arrangements with Mr. Bryan to-day for a formal discussion of the Japanese rejoiner early next week.

Scientist Hints New Immortality Proof

Sir Oliver Lodge, of London, Will Give World Results of His Researches.

Special Cable to The American.

LONDON, Aug. 9.—Sir Oliver Lodge, whose researches into the unknown world made him famous, will assert at the meeting of the British Association on September 10 a belief in "an ultimate continuity of existence before and after death as essential to science."

It is inferred he has at least new evidence to offer of immortality.

He once told the world "the boundary between life and death is still substantial, but is wearing thin in places."

Mrs. Phoebe Hearst Y. W. C. A. Benefactor

Dedicates Camp at Pacific Grove, Cal., Which Her Generosity Made Possible.

DEL MONTE, CAL., Aug. 9.—Asilomar, the splendid new conference grounds of the California, Arizona and Nevada Young Women's Christian Association, which occupies 30 acres of ground on the ocean shore near Pacific Grove, was formally dedicated with a beautiful ceremony, including a pageant of 400 girls, typifying association work.

Mrs. Phoebe Hearst, of San Francisco, whose generous assistance last year and this did much to make a permanent camp possible, gave the dedicatory address and gave the conference grounds the name of Asilomar, which means "retreat."

Billie Burke Hurries Home for Operation

Actress Believes She Will Have To Go Under Knife for Appendicitis.

Special Cable to The American.

LONDON, Aug. 9.—Billie Burke sails on the Mauretania to-day, instead of waiting for the Olympic, as arranged. She told The American correspondent to-day that she had been "living on the edge of a volcano for the last few weeks."

"I had a slight attack of appendicitis at Carlsbad a few weeks ago, and when I reached London Sir Alfred Pribp, the King's physician, urged me to undergo an operation because it was inevitable in another attack. But I preferred to undergo the ordeal at home, hoping to hold out until I reach New York. I hope everything will come out all right but I fear the operation is inevitable."

"I HAD TO KILL HIM," SAYS WIFE WHO SLEW HUSBAND

SPENCER, N. C., Aug. 9.—"I had to kill him. It was either his life or mine," Mrs. Emma Grubb, of this place, cried hysterically when examined to-day at the Coroner's inquest over the shooting of her husband, H. Clay Grubb, a well-known distiller of this section, who is said to have been worth $500,000. The Grubb family lived in Churchland, a short distance from Spencer.

DOCTOR READY TO GRAFT NEW LIMBS ON MEN

Surgeon Says Experiments on Animals Has Given Him High Hopes of Success.

TWO PATIENTS ARE WILLING

Necessary to Obtain Legs and Arms From Persons Suddenly Dead or Electrocuted.

Special Cable to The American.

LONDON, Aug. 9.—"Within a month after my arrival in New York I expect to be able to prove by actual demonstration that it is possible to graft new limbs on human beings to replace those lost."

The speaker was Dr. A. L. Soresi, of New York, the surgeon whose paper on the transfusion of blood aroused great interest among the members of the International Medical Congress.

Asked for further details about the latest marvel in surgery, the doctor said: "I have already made extensive grafting experiments with animals and with entire success. In fact, there are several dogs running around New York now with legs they did not have when born."

Two Anxious for Test.

Continuing the doctor said: "I have not yet attempted to graft a limb on any human being for the reason that my experimental work was only just satisfactorily concluded before leaving for London, but immediately on my return I shall start preparation for the first human test. I have already two men who are willing and anxious to submit themselves."

Dr. Soresi added that the preparations for the operations may take place some time within a month.

"Both my patients need arms. Obtaining suitable arms is not easy," he said. "I have not yet determined exactly how long life remains in an arm after death.

Death Must Be Sudden.

"Of course you understand that an arm must come from some person who has just met sudden death either by accident or by electrocution. In my experiments with animals I have been able to transfer the limbs without loss of time, but such a proceeding where human beings are concerned is not so simple except in cases of electrocution."

Dr. Soresi said that the results of the experiments would be announced through the Academy of Medicine.

TITANIC LOOKOUT DIES.

Special Cable to The American.

LONDON, Aug. 9.—Reginald Lee, one of the sailors in the lookout when the White Star liner Titanic struck an iceberg on April 14, last year, died at Southampton.

Prince Safe From Laundress' Charge

Accusation of White Slavery Declared To Be Non-Extraditable, and Honeymoon Continues.

VANCOUVER, B. C., Aug. 9.—Prince Stanislaus Sulkowski, the bride, formerly Miss Alice Louise Vance, of Los Angeles, and the latter's mother, are here. The Prince, who is charged with violation of the white slave law, upon the testimony at Los Angeles of Mrs. Clara Melcher, a Viennese laundress, is safe from arrest, his alleged offense being no-extraditable.

SWITZERLAND ACCEPTS BRYAN'S PEACE PROPOSAL

WASHINGTON, Aug. 9.—Switzerland has accepted in principal Secretary Bryan's peace proposal making the twenty-seventh nation so recorded.

Fight Causes Panic in Crowded Hotel Lobby

Bystanders at Piedmont Separate Combatants After One Blow Is Struck.

Guests at the Piedmont Hotel early Saturday night were thrown into a panic when two men engaged in fistic combat in the lobby.

The loud talking of the men, who were standing in the main foyer, attracted attention, and a circle immediately formed about them. Suddenly the larger of the two swung a right hook to the other's nose. Blood flowed freely. Only the one blow was struck, for bystanders immediately separated the combatants and order was restored. No arrests were made.

Carnegie Finds Kin in Laird of Sutherland

Iron Master Makes Discovery in Conversation With Owner of Rose Hall Estate.

Special Cable to The American.

EDINBURGH, Aug. 9.—Andrew Carnegie has discovered a relative among the lairds of Sutherland. He is W. E. Gilmour, owner of the Rose Hill estate, who is connected with the Morrisons from which family Mr. Carnegie's mother came. The ironmaster discovered the relationship in a chance conversation that he had with Mr. Gilmour.

FRANK OR CONLEY? STILL QUESTION

Issue Firmly Drawn Between Two Men

Defense Starting to Mould Its Case

Leo Frank in his seat in the courtroom where he is fighting for life.

The prisoner is shown in the unconcerned attitude he assumes most of the time.

Not a move escapes this man's restless eyes, though his face is calm.

Theory That Negro Attacked Mary Phagan With Motive of Robbing Her Will Be Shown; Two Charges Against Accused Must Be Refuted.

By AN OLD POLICE REPORTER.

The second week of the trial of Leo Frank, charged with the murder of Mary Phagan in the National Pencil Factory on the afternoon of April 26, came to a close Saturday noon.

The State's case has been entirely made up in its primary aspects, and the defense has gone into its story of the great crime sufficiently to make clear both its theory and probable line of pleading.

The public, as the case has progressed, has been swayed this way and that, and to-day the remarkable mystery of Mary Phagan's untimely and tragic end remains, in hundreds of minds, quite as much of a mystery as ever.

The Battle Is a See-Saw.

The State has had its good days and its bad days, and the defense has met the same fate. At times things have seemed dismally dark and gloomy for Frank, while at other times the clouds apparently have lifted from about him decidedly.

Guilt Will Be Fixed On One of Two Men

This much has been made clear:

Either Leo Frank will be shown to be responsible for the death of Mary Phagan, or Jim Conley will.

The one is the heart and soul of the State's contention, and the other is the heart and soul of the defense's contention.

Frank is battling not only to clear himself but to convict Conley.

Conley is battling not only to clear himself, but to convict Frank.

The only difference is that Conley, although not yet indicted, expects to be convicted as an accessory after the fact of the murder, in any event, whereas Frank, already indicted, expects to come absolutely clear and free of all possible connection with the crime.

One of Good Name; Other's Past Shady.

The one has a heretofore good name to restore in all of its unblemished integrity, the other has merely his present reputation for criminal inclination to proserve against sinister enlargement.

The issue has been sharply and indelibly drawn—it is either Leo Frank's life for Mary Phagan's, or it is Jim Conley's.

The States has shown, or has endeavored to show the folliwing things:

THAT Frank, shortly after noon on April 26, and before five minutes past noon, lured Mary Phagan, for an immoral purpose, to the rear of the second floor of the National Pencil Factory, and there, because she would not yield to his desires and demands, he knocked her down and immediately thereafter strangled her to death with a small cord, about one-eighth of an inch in thickness,

THAT after strangling her, Frank remained with her dead body until after a girl caller in his office had departed, when he tiptoed to the front of the floor whereupon the murder had been consummated, and secured the help of a negro sweeper, Jim Conley, employed about the place, to dispose of the body.

Disposition of the Body as Shown by State's Evidence

THAT Conley, under the direction of Frank, wrapped the dead body in a piece of heavy cloth, carried it to the elevator, and thence on the elevator to the basement, where it was placed in an obscure corner in the rear, later to be found by Newt Lee, a negro night watchman, generally held guiltless of direct connection with the crime itself.

THAT Frank, after hiding the body, with Conley's assistance, then induced Conley to write and place beside the dead girl certain illiterate notes fixing the crime, in so far as they might, upon some other person than either Frank or Conley, and that Frank for Conley's services, paid him the sum of $2.50, but not until

CLERGYMAN HELD AS FORGER OF DEED RECORD

KEYTESVILLE, MO., Aug. 9.—The Rev. Henry Eubanks, a clergyman in the Christian Church, living at Triplett, Mo., was arrested to-day on a charge of forgery.

He is accused of having erased with acids from the records of a deed two of three clauses referring to his "bodily heirs."

ATLANTA GIRL BRIDE OF LOOKOUT PITCHER

CHATTANOOGA, TENN., Aug. 9. Pitcher Burley Grimes, of the Lookouts, was married to-day at the home of Manager "Kid" Elberfeld to Miss Florence Patten, of Atlanta. The marriage was the culmination of a romance which originated in Nashville when the present Mrs. Grimes saw her husband win a victory for Chattanooga.

No More Matrimony For Julia Sanderson

Former Wife of Tod Sloan Says She Will Never Tire of Single Life.

NEW YORK, Aug. 9.—"Never again. This was the terse reply of Julia Sanderson, the actress, when she arrived here on the steamship Aquitania and was asked if the reports that she intended to marry again were true.

After denying that solar plexus blow to the matrimonial rumors, the former wife of Tod Sloan gave out her ideas on marriage.

"Given a girl is free and single she can have all the fun in the world," she said. "It is different when you are married. Nobody wants to talk to you. Nobody wants to see you. No more barriers for me."

FRANK AND CONLEY BATTLING EACH OTHER FOR THEIR LIVES

Guilt of Slaying Little Mary Phagan Will Be Fixed Upon One of Two as Issue Now Is Drawn

DORSEY SATISFIED WITH PROGRESS OF TRIAL; DEFENSE REFUSES TO MAKE ANY STATEMENT

I am very well satisfied with the State's case and do not see that the defense has dealt it any damaging blows in the evidence introduced to date.

Saturday's developments were of no material advantage to either side.

---SOLICITOR HUGH M. DORSEY.

Neither Luther Rosser nor Reuben Arnold, attorneys for Frank, would make any statement on the progress of the trial.

DEFENSE BEGINS BUILDING ITS THEORY OF TRAGEDY

Continued From Page 1.

he had first paid him $200, which was withdrawn under promise to restore that sum later.

THAT Frank had an understanding with Conley, whereby Conley was to return to the factory later in the afternoon on Saturday and burn the body in the basement furnace, but that Conley went to sleep in the afternoon and neglected to perform this service.

THAT Frank, called to the factory early in the morning of Sunday, April 27, displaying great nervousness, and while on his way to the factory without having been informed of the dead girl's identity, declined, or at least failed and neglected, to look upon her features at the undertaker's, notwithstanding the fact that he later admitted her identity without having seen her dead.

THAT at the factory, at the place of the crime, his nervousness continued, and that next morning (Monday), when called to the police station for further questioning, he had secured counsel to defend him, notwithstanding the fact that he then had not been placed under arrest.

THAT after having been placed under arrest and indicted for the murder, he persistently refused to meet his chief accuser, Jim Conley, face to face, or discuss any feature of the charges lodged against him.

THAT in addition to the crime of murder, as set forth in the indictment, Frank is a dissolute character, practicing the most depraved and perverted crimes with persons of loose morals, and that Jim Conley, on more than one occasion, acted as "lookout" for Frank on the first floor of the factory, while unspeakable and unmentionable things were being enacted above.

Jim Conley Is the State's Principal And All-Important Witness.

The State, in setting up the foregoing allegations, summoned as its principal and all-important witness, Jim Conley, who already had made public affidavits to all of the charges set forth, except the one of perversion and the exact time of the crime charged.

Conley, after four or five changed statements theretofore made, set up in his final statement on the stand many other seemingly minor details not contained in any previous statement.

The foregoing is the State's case in completed form, except that it yet will have the right to produce witnesses in rebuttal of the defense's witnesses; the defense, in its turn, having the right to a further rebuttal of the State's rebuttal.

The defense has contended, or will contend:

THAT Conley's story is a tissue of frightful lies from start to finish, and that he himself really committed the crime charged against Frank, and that the defense will so demonstrate.

THAT Mary Phagan was not killed as early as 12:05 on the afternoon of April 26, but was, as a matter of fact, killed at least fifteen minutes later than that, if, as a matter of still further fact, she was not disabled hopelessly about that time, and actually killed even later.

THAT if she was not killed previous to 12:05, as set forth, by the State, that contention being uncompromisingly claimed by the State's own witnesses—Jim Conley and Monteen Stover—then Conley's story is impossible and absurd, and Monteen Stover's evidence entirely negligible.

THAT Frank did not lure Mary Phagan to the rear of the second floor, or to any other place, for any purpose whatever, and that she was only on the second floor sufficiently long to get her pay from the hands of Frank, and that she immediately thereafter left the second floor, going down to the first floor to meet her death at the hands of Conley.

Defense Holds Frank Had Nothing To Do With the Death Notes.

THAT Frank never asked for or received the assistance of Jim Conley in disposing of the body of Mary Phagan, because he was in utter and entire ignorance of the murder until apprised of it Sunday morning.

THAT Frank had nothing whatever to do with the framing of the notes found beside the dead girl, and that in support of such a charge the State has only the word of Jim Conley, intensely interested in shifting the blame from his own guilty shoulders and on to the shoulders of Frank.

THAT Frank never paid Jim Conley any sum of money for any purpose whatever on Saturday, nor promised him any sum for any purpose whatever, and that Conley's word alone says that he did.

THAT whatever nervousness Frank displayed, if he displayed any unusual or unnatural nervousness at all, was occasioned by the mysterious attitude of the officers notifying him of some unnamed trouble at the pencil factory, and that in support of his approximately normal frame of mind is the fact, proved by the State's own witnesses; that he opened the office safe to look up the record of Mary Phagan, after having acquired knowledge of her identity, without tremor or hesitation whatever, setting the intricate combination easily and opening the safe on the first trial.

THAT his innocence of all guilty knowledge of the crime is further evidenced by his three hours' perfectly normal work on his books in the factory on the afternoon of April 26, at which time, if the State's theory holds, Mary Phagan, with Frank's knowledge, then was a corpse in the basement, dead at his murderous hands.

THAT Frank, instead of declining to look upon the face of the dead girl at the undertaker's while on his way to the factory Monday morning, did, as a matter of fact, look upon her face and recognized her.

Frank's Counsel Was Not Sought by Him, the Defense Contends,

THAT Frank had no counsel until after his retention at police headquarters had been publicly made known, and when he was notoriously under suspicion, and that even then counsel was sent to him by some outside friends, and did not come at his invitation or by his direction.

THAT Frank's refusal to meet Jim Conley, his lying accuser, was natural and proper in the circumstances, and that such a course was persisted in by the particular advice of his counsel; that Frank was under no moral or legal obligation to discuss his case with Conley, or with any other witness for the State.

THAT Frank, far from being a dissolute character, is a man of unblemished integrity, happily married; that he never has practiced depraved and perverted crimes, because such things would be and are entirely foreign to his nature; that he never has associated with immoral persons anywhere, at any time; that neither Jim Conley nor any other person ever acted as "lookout" for him for any purpose whatsoever—and that every monstrous and untrue charge or suggestion of immorality and degeneracy rests absolutely and finally upon the unsupported word of Conley, and not otherwise.

THAT there has been no tenable motive assigned to Frank for the murder of Mary Phagan; that the girl was not sexually violated or in any manner lacerated; that Frank had only the most casual acquaintance with her, and that of a perfectly natural business sort, and that he could not have had, and did not have, any reason whatever for desiring her death.

THAT, in truth and reality, the motive prompting the murder of Mary Phagan was robbery upon the part of Conley, and that for the purpose of securing her pittance of money, contained in a mesh purse, he did murder her and concealed her body in the basement.

Theory of Crime as the Defense Holds That Slaying Occurred.

THAT, as a matter of fact, Mary Phagan reached the National Pencil Factory on the afternoon of April 26 about 12:12 or 12:15; that she came up the steps directly to Frank's office, and received her pay for the time due her, in amount $1.20; that she at once departed Frank's office, without comment of any sort, and that Frank never saw her alive thereafter; that going down the steps, with her silver mesh bag in her hand, she had to pass Jim Conley, recently aroused from a drunken doze; that in attempting to get from the foot of the stairs, where Conley was sitting, to the door, some 20 feet away, she had to traverse a gloomy walkway, more than ordinarily gloomy at the time because the day was a legal holiday and the doors were closed, but not locked; that in traversing this walkway her back was toward Conley; that Conley, without money and craving more liquor, saw the unprotected little girl with the enticing silver bag in her hand, and surmising that she had been paid off by Frank upstairs, hit her a violent blow upon her head, snatched her purse from her hand, and at once threw her body into the cellar by way of a nearby open space, for fear of someone coming into the building; that likely the blow first delivered was not sufficient to kill, and that her actual death was hastened, or may have been hastened later in the cellar below, by means of strangulation, there being always there an abundance of the very cord employed or supposed to have been employed in that act.

THAT after accomplishing his bloody deed Conley escaped by withdrawing the inside staple from the basement back door only a few feet away from the place where the dead girl subsequently was found; and that tracings of Conley during the afternoon of April 26 at various saloons about town show that he spent then an amount of money approximating that which Mary Phagan is supposed to have had in her purse at the time of her murder.

Conley Declared to be Jailbird And Notoriously Dissolute Character.

THAT of all her possesions the purse alone, notwithstanding exhaustive inquiry, never was accounted for until the last day Conley was on the stand, when he stated that Frank had had the purse in his possession just after the murder, and that he had concealed it in his safe. This allegation, the defense points out, is sustained, as are the other most damaging allegations, by Conley's unsupported word entirely.

THAT Conley, the State's main witness, is a notoriously dissolute character, by his own admission seven times a jailbird, many times a liar, even under oath and on the witness stand, and admittedly was "mistaken" in some statements made against Frank; that he did not begin to throw suspicion on Frank until after suspicion began drifting in his (Conley's) direction; that his plea of wishing by his first silent course of conduct to "protect" Frank is not sound, bacause after he feigned disappointment that Frank did not "get him out of his trouble, as he had promised," and declaring that he, therefore, intended to tell the "whole truth of the murder," he still persisted in his lies and falsifying to the attempted damage of Frank, and found it necessary to issue three conflicting affidavits before he got one he thought might be depended upon to stand up.

THAT Conley began his statements with a lie—to the effect that he could not write—and continued lying steadily thereafter, but frequently canceling one lie in favor of another, as his first lies were shown to be useless and senseless.

THAT Conley in revising his various statements was aided and abetted by various police officials, presumably anxious for the rewards offered for the apprehension and conviction of Mary Phagan's murderer, and that these officers pointed out to Conley the discrepancies as they arose from time to time, and that without this aid Conley's story never could have been made to hold together even as well as it did; that notwithstanding this prejudicing aid, however, Conley's story still is impossible and absurd, and of no account whatever against Frank.

Defense Heavily Equipped to Sustain Every Contention, It Says.

The foregoing, in general, is the theory of the defense, as already set up and as yet to be developed, and along that line it will fight its battle to the end.

The defense is heavily equipped with witnesses to sustain its every contention, and these will be offered, in their order, to break down the contrary theory of the State, as hereinbefore outlined, and upon the relative strength of the two showings depends, of course, the verdict.

Of absorbing interest now is the seeming determination of the defense to put Leo Frank's character frankly and fearlessly in evidence.

In a former article in The Sunday American several weeks ago I predicted that the defense would do this—and the then apparent determination of the defense along that line shows no symptoms of having been deviated from in the slightest.

When Conley made his additional unanticipated attack on Frank's character from the witness stand, it was rather freely predicted about the streets that Frank never would, after that, agree to have his character put in evidence. Under the law, the State can not put the defendant's character in evidence—if it is put in at all, it must be put in by the defendant voluntarily. Once in, however, it may be riddled by the State, if the State is able to riddle it.

The determination, therefore, of the defense to put Frank's character in evidence is being accepted generally as indicating an unfaltering confidence upon the part of the defense that Frank may be able thereby to overcome the terrible and prejudicial charge of degeneracy, as well as the charge of murder, both resting so largely upon Conley, and Conley alone; and it also indicates a belief upon the part of the defense that the State already has done its worst in the matter of attacking Frank's character.

The fact that Frank is now engaged in refuting two charges instead of one makes his case doubly unique in Georgia, as it is contrary to the unbroken theory of the law heretofore.

In Georgia, the courts uniformly have held that a man can not be tried for more than one offense at one time—that is, that he can not be charged with murder, and in the same trial be called to account for another felonious crime.

The charge of degeneracy, however, got into the case without objection, and Frank's lawyers cross-examined the witness making it. The judge, therefore, although a motion was made afterward to strike out this evidence, ruled that it was too late to expunge it, and that it should go in for what it was worth.

Defense Calls More Than Seventy Character Witnesses.

This ruling, while in a way more or less unprecedented, was, in the main, by the public seemingly approved, upon the idea that it was fairer to both the State and the defense that the horrible charge, having been made, be thrashed out.

Should Frank be convicted, it is practically certain that a new trial will be asked on this very point, and it is not at all improbable that Judge Roan will grant it, although this conjecture is purely and absolutely speculative, of course.

The defense has summoned some seventy character witnesses, among whom are more than twoscore female employes of the National Pencil Factory, all of whom will swear, it is said, to the defendant's decent and gentlemanly conduct at all times in their presence and during their varied terms of service in the factory, running from one to five years.

Besides these, a score or more of Atlanta's most prominent business and professional men have been cited to come to court and testify in behalf of Frank's good name.

Rarely before, if ever, has there been as intense interest in a murder trial as there unquestionably is in the Frank case.

The crowds attending the trial have been enormous, the officers finding it necessary every day to turn away hundreds of anxious would-be spectators.

Public sentiment has swung back and forth—to-day inclined to believe Frank may be innocent, to-morrow sternly the reverse.

The jury, sitting there in the courthouse, day after day, has been the objective study of hundreds of real and near analytical minds—and the answer?

Acquittal of Frank Likely Would Bring the Indictment of Conley.

Every fellow answers for himself. The jury is imperturbable, unreadable, almost seemingly indifferent at times, indeed—but always keenly keyed to intense interest, nevertheless!

One might as well undertake to read the riddle of the Sphinx as to read the riddle of the Frank case in the minds of the jury trying it. It looks as if it is a jury well above the average—and that is about the beginning and the end of an intelligent guess as to what it will do.

Judge Roan is as baffling as the rest of the case, too, when it comes to speculating upon what he may or may not think of it all.

He is rated one of the very best Superior Court judges in the State, unusually able, certainly fearless, and agreed to be utterly fair and impartial.

At times, his rulings have seemed to favor the defense, and at other times they have seemed to favor the State; but, withal, the public seems agreed that he is handling the case with an open and judicially just mind.

Speculation as to the outcome of the trial is varied. There are those who can see nothing ahead but conviction, just as there are others who can see nothing but acquittal.

If a ballot could be taken, however, those holding to the idea of a mistrial likely would be found in the majority, for that is the way the fight seems, to many observing minds, to be drifting.

That section of the public generally credited with being calm, poised, and desirous of seeing the right prevail, no matter which way it cuts, apparently has suspended judgment. Extremists pro and con still are talking themselves hoarse about town, however.

The progressing inclination among the people seems to be to let the jury settle it, and then to call that as near right as abstract justice and human ingenuity can make it.

In the event of an acquittal, the case ends. The State has no appeal. It must win on the first round, or it loses for all time.

The defense, on the other hand, if it loses, may move for a new trial, upon proper assignment of error in the first trial. The judge of original jurisdiction passes upon this motion—he may grant it or not, as his discretion directs.

The general policy of judges is to refuse motions for new trials, but it is not an unbroken policy, by any means.

If the new trial motion is denied, the case goes to a court of review—either the Supreme Court or the Court of Appeals. If one error or several be found in the original rulings of the court below, the case will be remanded back for a new trial, the judgment thus having been reversed and set aside.

Trial Judge is Considered Absolutely Fair and Fearless.

Then the case begins all over again, practically as if it never had been tried.

In the event of matters taking that course, Frank hardly could be tried again before next year, 1914, and perhaps not before spring.

If Frank is acquitted, there is hardly a doubt that Jim Conley will be promptly indicted for the murder of Mary Phagan, and brought to trial later.

In the event of Frank's final conviction, Conley will be indicted as an accessory after the fact. This would mean a sentence of not more than three years in the State penitentiary for him.

If Frank is convicted, he can be convicted only of murder—the jury will not be permitted, under the form of the indictment, to find him guilty of a lesser crime.

The judge will have no discretion in sentencing him.

If found guilty, without a recommendation to mercy, he must hang, unless the Governor should subsequently interfere and order Executive clemency.

If he is convicted, and the jury "recommend him to the mercy of the court," the court then will be obliged to send him to prison for life.

The general opinion is that the present trial will run all of this week—that the best to be expected is that the jury may be given the case by Saturday night.

After the evidence all is in, the case still will have to be argued to the jury. It is thought that Judge Roan will take the bridle off in respect of this, and both sides will be permitted to go the limit.

Mr. Rosser and Mr. Arnold will consume at least one entire day in argument, and Mr. Dorsey and Mr. Hooper will not take less time.

It is expected that Hooper will open for the State and Dorsey close, and that Rosser will open for the defense and Arnold close. The State has the opening and the concluding argument before the jury.

If the jury makes a verdict quickly in this case, The American of next Sunday ought to carry it. If it makes a mistrial, or delivers a greatly delayed verdict, it seems certain at this time that neither of those facts can be made known before well into next week.

It is estimated that the trial will have cost the County of Fulton approximately $10,000, if the case ends with this trial. If it does not end with this trial, the eventual expense hardly can be intelligently anticipated now.

Study of Frank Convicts, Then It Turns and Acquits

Readers of Human Nature See Anything They Want, but Personal Equation Is Forgotten.

By O. B. KEELER.

Leo Frank sits in the prisoner's dock and all men may read his face.

A great many of them do.

Here are two of the things they read:

(1) No innocent man could remain calm under such fearful charges.

(2) No guilty man could remain calm under, etc.

Leo Frank admittedly was nervous and agitated the morning the murder of Mary Phagan was discovered.

There are two inferences drawn from that fact:

(1) A guilty man naturally would be nervous.

(2) An innocent man naturally, etc.

Leo Frank sits there in the prisoner's chair, under the scathe of the State's testimony, apparently unmoved.

Leo Frank sits apparently unmoved as his attorneys attack the mesh of circumstance.

So far as may be foretold, Leo Frank will sit unmoved under the fire of the State's speeches and under the justification of his own counsel.

And there will be at least two interpretations of his calm in the trial, as there were two interpretations of his agitation that April morning.

Let's take a bit of time off from bias and prejudice and try to get a little deeper into the psychology of the thing.

Both Read Same Thing.

Here is one who insists that an innocent man, confronted with evident suspicion of a horrid crime, virtually admits guilt, or at least guilty knowledge, by nervous agitation.

"If innocent and ignorant of the crime, he should appear calm and eager to probe deeper into the mystery," says this one. And usually he adds: "I know I should."

And the same interpreter, speaking of Frank's attitude in the trial, says:

"His calm is the effrontery of a cold-blooded murderer. In his place, and innocent, I could not listen unmoved to the hideous charges aimed at me."

But here is a small breach of logic. This reader of the human mind would have innocence appear calm in its surprise and agitated in its expected ordeal, prepared for weeks in advance.

On the other hand, here is one who would reconcile agitation in April and calmness at the trial with absolute innocence.

Is not that reconciliation equally open to the charge of illogicalness?

Could not the innocent accused properly have remained calm in the first steps of an investigation, he must have been sure would lead away from himself, and yet have been shaken by the manifest danger in the terrific circumstantiality of the case the State presented against him?

Logic Seems To Double.

It would seem that cold, mechanical logic had at least two paths in which to stray from the truth when applied to Leo Frank's attitude.

And that is two too many for the clear intent of logic.

The trouble is, the would-be logicians seem always to overlook the one great point that sets at naught all mechanical logic, applied to criminality.

And that point is the Personal Equation.

You note that the logician inevitably says:

"If I were in his place——"

Right in the premise, then, the reasoner injects his own personal equation into a consideration of Leo Frank and his actions and possible motives.

He attributes to Leo Frank certain characteristics supplied by his own personality, adds the influence of motives whose effect on any other human being he could not possibly know, and then deduces a course of action and behavior, which he sets up as the logical one for Leo Frank.

To conform to the laws of true logic, the reasoner must assume that among the 1,600,000,000 inhabitants of the earth there is one that is identical with himself in temperament, habits, disposition, environment, intellect—in fine, must have the same personal equation.

That in itself would be an assumption far outside the pale of absolute logic.

But granting that, it would still remain to identify with that particular human being the person under consideration.

The chances of failure would be, 1,600,000,000 to 1.

And should the incredibly long shot win, there is yet another trap for the logician who says, "If I were in his place, I would do thus and so."

Experience Is Needed.

Even with the suppositious advantage of being acquainted with his own personal equation, the reasoner does NOT know what he would do under the stress of circumstances, UNLESS HE HAS TRIED IT.

Eliminating, then, from the list of expert readers of the human face those who do not observe strictly the laws of absolute logic, we find that those qualified to pass judgment on Leo Frank by means of his April agitation and his August calmness can be numbered quite conveniently as follows:

O.

Which logical conclusion, however, will in no way embarrass the several hundred thousand persons now daily engaged in flying in the face of a certain admonition, set forth in a certain Good Book, to wit:

"Judge not."

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FRANK STRUGGLES TO PROVE HIS CONDUCT WAS BLAMELESS

Co-Workers in the Factory Declare Stories of Factory Revelries Are Beyond Reason

ASSISTANT TELLS HOW ACCUSED MAN MADE OUT COMPLEX ACCOUNTS

Testimony of Newsboy Who Said He Accompanied Mary Phagan On Street Car On Day of the Killing Attacked by Defense's Counsel.

With one set of lawyers fighting to send Leo Frank to the gallows and another struggling just as desperately not only to save him from this fate, but entirely to remove the stigma of the murder charge, the second week of the battle for the young factory superintendent's life ended shortly after noon yesterday.

The defense was only fairly under way in its presentation of evidence. Another week, at least, will be consumed in the examination of witnesses, and it is regarded as not at all unlikely that the jury will receive the case for its verdict not before the latter part of the following week.

More than 100 witnesses will be called to the stand before the defense rests. Some of them will be questioned and cross-questioned at length. Others will be on the stand only a few minutes.

Conduct in Question.

Many who will be called are factory employees. They will be asked in regard to Frank's conduct at the pencil factory. This line of interrogation already has been begun by the defense. E. F. Holloway, day watchman at the factory, and N. V. Darley, general manager, testified Friday that women, aside from those of Frank's family, never visited him at the factory. Herbert G. Schiff, assistant to Frank, who was on the stand during practically all of the Saturday session, testified to the same thing.

Schiff was taken into an exhaustive description of the duties of Frank, which was dry and uninteresting to the casual spectator at the trial. His testimony, however, was regarded by the defense as extremely important. The financial sheet, in particular, on which Frank worked the afternoon of the murder, came up for extended consideration. Schiff told in elaborate detail the complexities of the sheet and the elements that entered into its make-up.

It was the purpose of the defense to show that it would have been entirely out of the realm of human probabilities that Frank, after committing an atrocious and brutal murder, could have sat down and, without a quiver of his pen or a shaking of his hand, put down column after column of figures and made scores of notations with never an error.

Schiff was asked first in regard to Frank's customs and habits about the factory. From his testimony it was developed that Schiff generally was at dinner on Saturdays from 12:30 to 2 o'clock and that Frank ordinarily was away from the factory from 1 o'clock until 3. This made it practically impossible for Frank to have women visitors in his office during the half-holiday without Schiff's knowledge. The witness denied that he ever knew of such occurrences.

Gay Parties Impossible.

He added, under the questioning of Reuben Arnold, that it was not at all uncommon for persons from Montag Bros. to call at the factory on Saturday afternoons, and that gay parties of this sort could not have taken place. Salesmen, too, he said, interrupted the work on Saturday afternoons.

A spike was placed in C. B. Dalton's testimony by Schiff's statement that he was in the invariable habit of working with Frank at the office Saturday afternoons, but that he never saw Dalton before the trial began. Dalton had testified that he was an occasional visitor at Frank's office on Saturdays, and that Frank always had two or three women with him in the afternoon, but that no man was working in the office with him. Schiff also said he never had seen Daisy Hopkins, who Dalton said was his companion, on these visits.

Schiff remembered that last Thanksgiving was cold and rainy and that there was snow on the ground. This evidence was brought out to show the improbability of Conley's story which had a woman wearing summery white slippers and stockings visiting the factory to see Frank that day.

The witness recalled paying Miss Helen Ferguson the afternoon of Friday, April 25. He was positive that she did not ask for the envelope of Mary Phagan and that she would have asked no one else, as no one else had anything to do with the distribution of the pay envelopes. It is a custom at the factory, he said, to give one person's pay to another only on a written order, unless the person making application is a relative.

Frank Easily Disturbed.

Asked in regard to the temperament of Frank, he replied that the superintendent was high strung and nervous and was easily disturbed by little accidents that happened about the factory.

Schiff was shown the financial sheet for the week ending on the Friday of the week the tragedy occurred. He identified it as the work done by Frank Saturday afternoon. He said that the writing was unmistakably that of the young superintendent. Attorney Arnold also had in the courtroom the financial sheet for every week during the year previous to the crime. Schiff identified them all as Frank's work and said that the least complicated of them never took less than two and a half hours to compile. The average time, he thought, was about three hours.

All of the financial sheets will be submitted as evidence to show that the writing of Frank April 26 was not tremulous, irregular or in any way different from his writing in the 51 other financial sheets on file.

The witness explained the highly complex manner in which the financial sheet is made up and narrated that the costs and profits were estimated each week on several thousand gross of pencils of different grades and classifications, including the materials which entered into their composition.

The other witnesses of the day were George W. Epps, the newsboy who had sworn several days previously that he had ridden to town with Mary Phagan the day that she was killed, and J. M. Minar, a reporter on The Georgian.

A degree of suspicion already had been thrown upon the story of Epps by the testimony of the motorman and conductor of the car on which Mary rode that day. Both testified that they did not see the boy on the car. The motorman asserted that another girl rode with the Phagan girl after the car arrived in town.

Boy's Credibility Questioned.

The reporter was called to strengthen further the doubt of the lad's credibility. He related that he had visited the Epps home, No. 246 Fox street, Sunday night, April 27, having learned that the children of the family had been acquaintances of the little girl whose dead body had been found that morning.

He went there, he said, for the purpose of finding who had seen the murdered girl last, and at what time she had been seen. He talked at length both to the boy and his sister. In response to his question as to who had seen Mary Phagan last he said that Vera Epps, the sister, declared that she had played with Mary the Thursday before, and that George only told of occasions when he had ridden to town with Mary when she was going to work in the morning, mentioning not at all that he had ridden with her at noon only the day before when she was on the journey that ended in her death.

The most exhaustive examination of any of the defense's witnesses so far introduced came Saturday with Herbert Schiff on the stand. With an apparently remarkable memory, Schiff was able to answer clearly and almost without hesitation a number of detailed questions both by the lawyers for the defense in direct examination, and by the State's attorneys on cross-examination. Even bits of conversation were recalled, notably one between Leo Frank and a Mr. Ursenbach on the afternoon before the day of the killing.

"Do you recall hearing a conversation between Mr. Frank and Mr. Ursenbach Friday about going to the ball game Saturday?" Reuben Arnold asked him.

"Yes," said Schiff, "but not exactly what was said. I heard Mr. Frank say something about 'I will go if I can, Charley.'"

Seeming to refute Monteen Stover's story that she looked into Frank's office and found that he was not within, Schiff testified that it would have been impossible for the girl to see over the open safe door into all the office.

Failed to See Mesh Bag.

Schiff it was who looked into the office safe the Monday following the killing, according to his statement. He said he saw nothing of the silver mesh bag of Mary Phagan, which Jim Conley testified Frank hid in the safe after the removal of Mary Phagan's body.

That Jim Conley was frightened the Tuesday following the murder, when the investigation was at its height, was another bit of Schiff's testimony.

"I saw him near the shipping room," related Schiff. "I asked him what he was doing there, and he said he was afraid to go out. He said he would give a million dollars to be a white man. I answered that that would not do any good, as they had taken Mr. Frank."

Under Solicitor Dorsey's crsos-examination, Schiff said that Frank appeared eager to employ the Pinkerton detectives to work toward clearing the mystery, declaring that the young superintendent called him over the telephone two or three times Monday after the murder to talk over various matters, once to suggest the employment of detectives.

"He asked me to take up with Mr. Montag the employment of a private detective," said Schiff, "and suggested the Pinkertons. He said he thought it was only fair to the employees."

At one stage in the examination of Schiff, Judge Roan threatened to have cleared the courtroom. A number of spectators had burst into laughter at a sally between Attorney Arnold and Solicitor Dorsey.

Questions asked Schiff by the defense's lawyers seemed to show that by him they would bolster their theory that Mary Phagan's body was lowered to the factory basement by some means other than the elevator, which the State contends was the means used.

Trapdoor Not Locked.

Schiff testified that not only was there a hole in the rear of the factory leading to the basement, but also a trapdoor, which was not locked. He was asked about the door leading from the National Pencil Factory's space into the room used by the Clark woodenware department from which access to the basement is easy. He said that he noticed the door had been apparently cracked open.

Schiff's testimony was unshaken by cross-examination, and he proved an able witness for the defense, much more so than the other factory employee, E. F. Holloway, who became confused on the witness stand under the grilling cross-examination of Solicitor Dorsey.

The attack of the defense on Conley's character was evident with Schiff on the stand. The witness was asked at length concerning the negro and replied that he was worthless, unreliable and untruthful.

It is likely that Schiff will be called again to the stand when the trial is resumed Monday.

THE WOMAN OF SORROWS---MRS. LEO M. FRANK

Mrs. Frank, the wife of the man on trial for his life, is, next to the defendant himself, the most interesting figure in the case. Each day of the trial she has sat at her husband's elbow, whispering consoling words in his ear when the blackest parts of the testimony have been brought out by the prosecutor. At other times she glares defiance at her husband's accusers. But out of the courtroom she is a sad, heartbroken woman. Her face, as she goes between her home and the courtroom, shows the tragedy that the killing of Mary Phagan has brought into her life. These two pictures were taken yesterday as Mrs. Frank left the courthouse.

CASE NEVER IS DISCUSSED BY FRANK JURORS

Every Man on Panel Has Nickname and Formality Has Been Cast Out.

No member of the jury that is to decide Leo M. Frank's guilt or innocence had expressed an opinion on the case or even one witness' testimony when the second week of the trial ended yesterday afternoon, according to the deputies who have them in charge.

In the court it is an attentive jury. No bit of evidence gets by unnoticed, no wrangle occurs between the attorneys that is not given their undivided attention, and when a person testifies they catch every word—knowing the formal charge that will come from the judge, "You are to believe all of it, or any part of it, or if you see fit so to do take the word of the defendant, who is not under oath."

Out of the court it is altogether a different kind of a jury. Probably it is that its members hear enough of the case during "business hours" and are glad to discuss topics that do not bring in the possibility of weighing a man's life. But not one member of the jury has at any time expressed any opinion. If there is one, it is carefully guarded, but those who have watched the faces during the two weeks said yesterday that it was a jury that was still open to conviction.

The formal "good-morning, Mr. ——," has been abandoned for the more jovial "howdy-do," and every member has a nickname. Friday morning each member came from the hotel with a tiny white flower on his coat. They were the gift from the wife of a newlywed, who would not be on the jury if Judge Roan had listened to his excuses.

Saturday afternoon and Sunday are the days that are really tiresome. They are allowed to communicate with no one, and, save a morning and afternoon constitutional, are not permitted to venture from the three rooms assigned them. Last week the attorneys consented for them to purchase magazines, or any reading matter, to be censored by the Sheriff, and, with the exception of this diversion, a juryman on a two or three week trial has anything but the finest position in Atlanta.

Conley, Unconcerned, Asks Nothing of Trial.

Despite the attacks of the defense in the trial of Leo Frank has made upon his story, Jim Conley—from whose lips fell the most damning and abhorrent testimony a Georgia jury has ever heard—sits calmly in his cell at the Tower, inscrutable and unconcerned.

The negro, for weeks the greatest puzzle in the criminal annals of the State, has become an even greater puzzle since he told his story and was taken back to the gloominess of the jail. The fact that he is an admitted accessory after the fact in the murder of little Mary Phagan does not apparently weigh upon his mind.

He asks no questions about the trial or whether the defense has succeeded in breaking down his remarkable tale, and whenever information is vouchsafd to him he receives it with the same cunning smile that baffled Frank's attorneys and that has baffled students of criminology since the negro became connected with the Phagan case.

SALE OF SHOES $1.95

Ladies' hand-turned colonial pumps and oxfords in white canvas, patent colt, tan, vici kid and Russia tan. Among them is a white canvas colonial pump with a low heel, a patent colt colonial pump with a low heel, a pretty black satin pump with flat bow, and many other styles. Monday, Tuesday and Wednesday they go on sale for $1.95

Another lot of White Canvas Pumps and Oxfords on sale for .. $1.45

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Monday Specials

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Winner Milk, 10c; dozen...$1.09
Eagle Milk, 15c; dozen....$1.69
Meadow Gold Butter, pound..33c
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Jello Ice Cream Powders...6 1-2c
Pound pkg. Corn Starch...6 1-2c
40c Edgewood Coffee, pound..28c
80c Tea, fine for icing.......39c

CASH GROCERY CO., 118 & 120 WHITEHALL

Any Woolen Suit $20
Any Mohair Suit $15

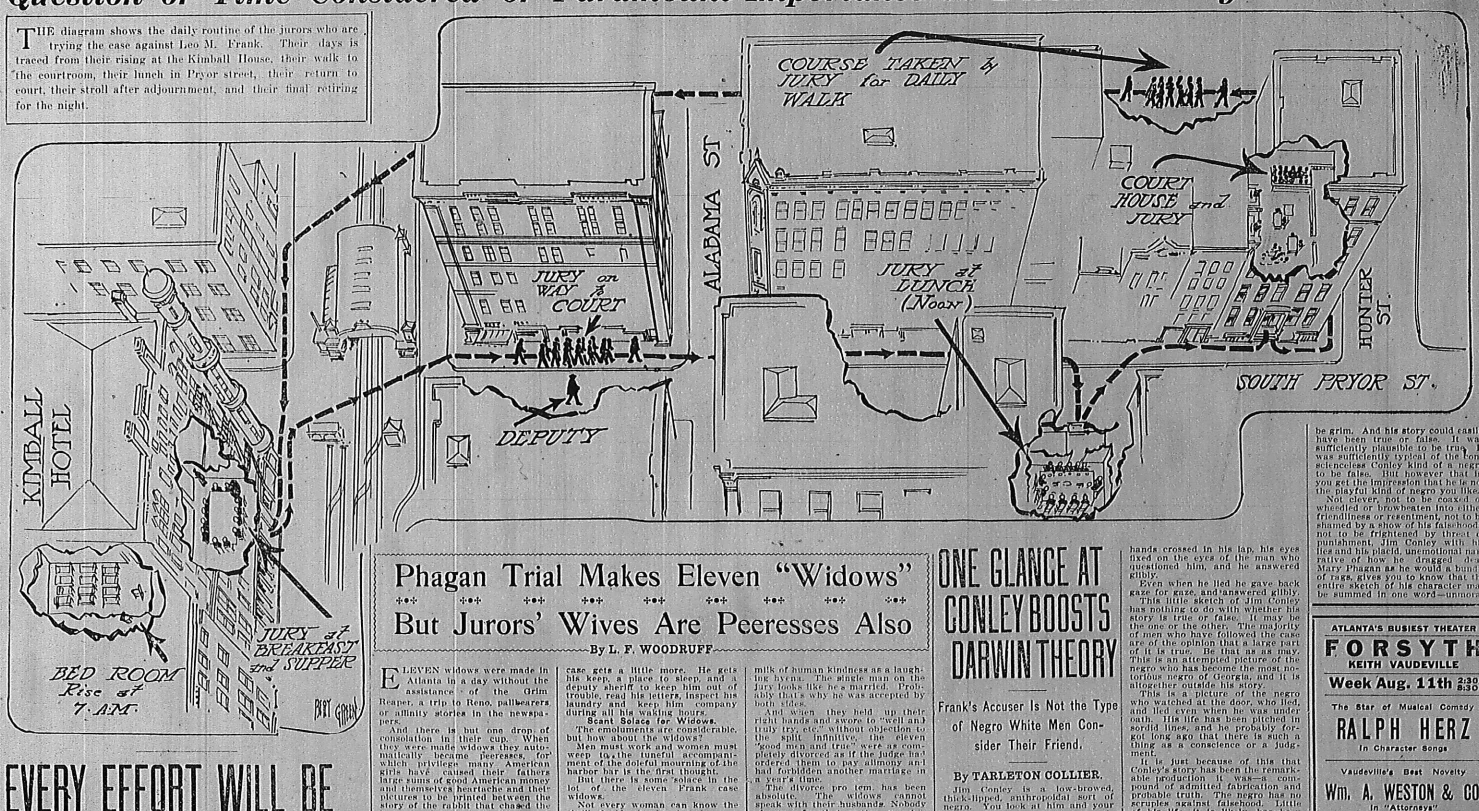
When one ponders and considers the offering made at the prices quoted above and remembers thequalities we have, it affords full explanation for the ready response to our sale announcements.

Cloud-Stanford Co.
61 Peachtree Street

INTEREST IN TRIAL NOW CENTERS IN STORY OF MINCEY

Question of Time Considered of Paramount Importance in Defense Theory of Frank Case

THE diagram shows the daily routine of the jurors who are trying the case against Leo M. Frank. Their days is traced from their rising at the Kimball House, their walk to the courtroom, their lunch in Pryor street, their return to court, their stroll after adjournment, and their final retiring for the night.



EVERY EFFORT WILL BE MADE TO ACCOUNT FOR ALL HIS MOVEMENTS

As all interest centered in the dramatic story of Jim Conley while the case of the prosecution in the Frank trial was being presented, so the public now is awaiting with the keenest expectancy the tale that W. H. Mincey, pedagogue and insurance solicitor, will relate when he is called this week by the attorneys for Leo M. Frank.

Conley swore as glibly as though he were telling of an inconsequential incident in one of his crap games that Frank had confessed to him the killing of Mary Phagan. Then the negro went on in elaborate detail to tell the horrible story of the disposal of the girl's body.

Mincey will tell a similar story, except that Conley will be named as the man confessing the crime and there will be none of the grewsome descriptions of carrying the limp body from second floor to basement in a piece of crocus bagging.

The coming week of the trial will have other witnesses galore. Some of them may be of much more importance than Mincey. Some of them may contribute in a much greater degree to the strength of the defense's case. But the appearance on the stand of no person is being awaited with higher interest than that of Mincey.

The defense has more than a hundred other witnesses on which it may call during the remainder of the trial. Some of them will be on the stand for only a few minutes and others will be questioned and cross-examined at considerable length. It is regarded that when the end of the week arrives there will be still another week ahead before the case is ended and the verdict returned.

Many of the witnesses who have been summoned are character witnesses. The defense is aware that the State has persons to call in rebuttal. It is regarded as highly likely, however, that Frank's lawyers will go ahead and introduce acquaintances and relatives of the accused man who will swear as to his good character and morality.

Had Never Seen Flirting.

Miss Grace Hix, a pretty factory girl, living at No. 100 McDonough road, told readily when she was being cross-examined by Luther Rosser that in the five years she had worked at the factory Frank had spoken to her only three times and then only on business. She said she never had seen him trying to flirt with any of the girls.

N. V. Darley, general manager of the factory, denied that he ever had known of any improper conduct on the part of Frank, and E. F. Holloway, day watchman, testified to the same effect.

Other girls will be called during this week. They will be questioned in regard to Frank's attitude toward them and their observation of his attitude toward any of the other employees. Then they will be turned over for the searching cross-examination of Solicitor Dorsey and his associate, Frank A. Hooper.

The time element, which figures so vitally in the murder mystery, will be emphasized when the alibi witnesses are on the stand. The public will learn then for the first time the true strength of Frank's defense. It is possible that his case will stand or fall on the testimony of these very witnesses.

Members of his family will tell of the time he left home Saturday morning. He will be carried along almost minute by minute from this time until he reached the factory, did some work there, went to Montag Bros., Nelson and Forsyth streets, and returned to the pencil factory at about 11 o'clock.

Testify of His Movements.

Persons in the factory will testify as to Frank's movements up until the time they left at or before noon. Mary Phagan was killed shortly after noon. It is during these brief moments that Frank's actions are not known, except upon his own statements. The same is exactly as true as to Jim Conley, who was on the first floor, near the stairs.

Frank says he does not know anything of what transpired then or after of his own personal knowledge.

Conley admits that he does, but in his admission he accuses Frank of knowing all.

He tells a story of Frank directing him to carry the body to the basement and then to write some notes which later were found by the body. He narrates his story in elaborate detail. The defense is said to maintain it would have taken three-quarters of an hour or more to do all he describes.

This is one of the places where the time element enters. Conley says that it was four minutes before 1 o'clock when he went after the cloth in which he wrapped the girl's body to carry her downstairs.

Question of Time Paramount.

Frank was at home by 1:30 o'clock, according to one of the State's witnesses. He was home slightly earlier according to the defense's, Albert McKnight. He would have had to leave the factory at 1:15 or very close to that time to have walked to the street car and arrived home by 1:20, providing he was able to get a car within two or three minutes. Frank and the negro could not have had time to do all Conley described in the nineteen minutes from 12:56 to 1:15, Frank's lawyers contend, particularly in view of the negro's statement that he was hidden in a closet in Frank's room eight minutes of the time.

The statement of Frank's father-in-law, Emil Selig, the servant, Minola McKnight, and her husband, Albert McKnight, will be taken to establish the time Frank arrived home that afternoon. H. J. Hinchey has told of the time he saw him returning to the factory on a Washington street car. J. C. Loeb will tell of riding to town with him. Harry Denham will testify as to Frank's arrival at the factory. Newt Lee's testimony will be taken as to his departure. Members of his family will be witnesses to establish the time of his return home at night, and the fact that he remained there until he was awakened by the officers the next morning.

Phagan Trial Makes Eleven "Widows" But Jurors' Wives Are Peeresses Also

By L. F. WOODRUFF

ELEVEN widows were made in Atlanta in a day without the assistance of the Grim Reaper, a trip to Reno, pallbearers or affinity stories in the newspapers.

And there is but one drop of consolation in their cup. When they were made widows they automatically became peeresses, for which privilege many American girls have caused their fathers large sums of good American money and themselves heartache and their pictures to be printed between the story of the rabbit that chased the boa constrictor and the life narrative of Sophie, the Shop Girl, who in a night became a stage star.

They also had the satisfaction of having their husbands officially proclaimed good men and true, which they may have questioned when the pay envelope was brought home with $10 missing and unaccounted for, just as all wives have questioned.

They'll Be Brides Again.

If there is any balm in it, the widows know that it will not be long before they can doff their weeds and once more don their bridal gowns. Their husbands will return to them just as soon as they have decided whether or not Leo Frank is guilty of the murder of Mary Phagan.

For it is due to the fact that their husbands are jurors that Atlanta had eleven widows made in a day, that eleven peeresses were added to Atlanta's list and that eleven wives had the glory of hearing their husbands called "good" without suspecting there was hidden meaning in the compliment.

The peerage and the official compliment as to character and $2 a day are the emoluments of a juror of Georgia. A juror in the Frank case gets a little more. He gets his keep, a place to sleep, and a deputy sheriff to keep him out of trouble, read his letters, inspect his laundry and keep him company during all his waking hours.

Scant Solace for Widows.

The emoluments are considerable, but how about the widows?

Men must work and women must weep to the tuneful accompaniment of the doleful mourning of the harbor bar is the first thought.

But there is some solace in the lot of the eleven Frank case widows.

Not every woman can know the thrill of widowhood and at the same time have absolute assurance that she is not going to remain in single blessedness the rest of her life.

And then there's no disputing the fact that they are peeresses. A juror is given his coronet when he takes his oath of office. Of course, in a criminal case he is usually paid the doubtful compliment of being termed the peer of a safe cracker, a short change artist, a blind tiger operator, or a gentleman skilled in the art of getting good money on bad paper, but just the same the juror is a peer. And just the same Mrs. Juror is a peeress.

Only One Single Juror.

In the rapid selection of the Frank jury, it was remarkable that but one single man was selected to decide a mystery that has puzzled the master minds of the Atlanta detective bureau for more than three months. The State probably wanted married men, who would sympathize with the mother robbed of a daughter's life. The defense probably wanted married men who would sympathize with the wife of the accused and his mother. Single men are supposed to be as looking in the natural supply of the milk of human kindness as a laughing hyena. The single man on the jury looks like he's married. Probably that's why he was accepted by both sides.

And when they held up their right hands and swore to "well and truly try, etc." without objection to the split infinitive, the eleven "good men and true" were as completely divorced as if the judge had ordered them to pay alimony and had forbidden another marriage in a year's time.

The divorce pro tem. has been absolute. The widows cannot speak with their husbands. Nobody else can for that matter except a court attache.

Deputy Reads All Mail.

Writing them is practically prohibited. Every letter mailed a juror has to be read by a deputy sheriff and properly censored by him before it reaches the eyes of the trial man.

And what wife would like to call her beloved "snooky" and have a deputy sheriff first assimilate the tenderness of the term? What wife would like to write for $8.67 to pay the butcher bill and have a deputy sheriff become thus acquainted with the condition of the family larder and the connubial purse?

She may kiss the clean collar when she sends it to him every day, but what assurance has she that he will not think that the Chinaman has bungled in his work?

She may send him a pair of freshly darned socks, but how does she know that the deputy will not see a mysterious message in the needle work and appropriate the hosiery to his own pedal purposes?

No, there are eleven new widows in Atlanta, but there is no doubt but there are eleven new peeresses. The only trouble is, no one can marry any of them for their titles.

Dalton Sticks Firmly To Story Told on Stand.

C. B. Dalton, prominent as a witness in the Frank trial, stuck firmly to the story he told in court when he was confronted Saturday by the letter of Miss Laura Atkinson, No. 30 Ella street, one of the young women mentioned in his sensational testimony. She branded his statement concerning her as false.

He maintained that all he said as a witness was true—that he met her, as he had other girls of the pencil factory, and walked home with her from a restaurant near the plant on Forsyth street.

Dalton was emphatic in his reiteration of every detail of the testimony delivered by him from the witness stand.

Here is Miss Atkinson's statement, in full, denying Dalton's testimony:

"Editor The Sunday American: Will you please allow me space to correct a statement made by Mr. C. B. Dalton in his testimony at the Frank trial, and published in your paper yesterday? In answer to a question from Mr. Rosser as to whether he ever went to the pencil factory with any one except Miss Daisy Hopkins, he said yes, he used to go to the Busy Bee and wait for the factory to close to walk home with the girls, and gave my name as one of the girls.

"His statement, as I read it in your paper, impressed me as being intended to convey to the minds of those who heard it (and, of course, all who read it) the idea that I was working at the factory at the time he says he went there and that he was in the habit of walking home with me. I have no desire to make any derogatory remarks about Mr. Dalton, but in justice to myself and my good name, I certainly do feel it my duty to say that his statement concerning me is false, and he had not the slightest ground whatever for making it and no right to use my name in any way in his testimony.

"I have known him only about six months, and have never been in his company but three times. On two occasions I was at church with a gentleman friend who was also a friend of his and he walked with us from the church to my home, less than three blocks, and one afternoon while out walking met him and he walked with me a distance of about four blocks. That, and a few conversations over the telephone, probably three or four, mark the extent of my acquaintance with him. I worked at the pencil factory exactly two days the second week in July (last month), and did not even see Mr. Dalton on either one of those days. I had never worked there before nor been there, and have not since.

"Will you please state these facts in your paper and clear up any false impression that may have been made on people's minds concerning me, and the slur I feel has been cast on my good name by having him make such a false statement where it would be published broadcast over the country? I will appreciate it and thank you very much if you will correct the statement. Sincerely,

"LAURA ATKINSON.

"No. 30 Ella Street."

Mary Phagan's Mother To Be Spared at Trial.

A spectator at the trial of Leo M. Frank for the murder of little Mary Phagan remarked:

"I wonder what the mother of the little girl who was so brutally killed thinks of all this?"

Mrs. J. W. Coleman, the mother, was the first witness called at the beginnig of the case, now two weeks gone. She was dressed in deep black with a heavy veil about her face. As she pulled back the veil to speak to the jury the expression was calm without a sign of bitterness. And she answered in even tones.

When the Solicitor opened a little suit case and placed before her the clothes of her little girl.

There was a stifled cry. Those who looked saw a face covered with a handkerchief. That was enough. Solicitor Dorsey put no more questions.

For ten days the grind of the court went on. The mother was forgotten for more immediate things.

Friday she was recalled in the midst of expert testimony on the effect of digestion on cabbage. She came and indifferently told how she had cooked the cabbage that made the last meal of little Mary Phagan. Then she said:

"Mr. Dorsey, will you need me any more? I am so tired. I want to go."

He told her she could go. And it is very probable she will not appear at this trial again.

WRIGHTSVILLE BEACH $6

Round trip Saturday, August 23. Special train, sleepers and coaches. Leave 6 p. m. Make reservations early. SEABOARD.

ONE GLANCE AT CONLEY BOOSTS DARWIN THEORY

Frank's Accuser Is Not the Type of Negro White Men Consider Their Friend.

By TARLETON COLLIER.

Jim Conley is a low-browed, thick-lipped, anthropoidal sort of negro. You look at him and your faith in Mr. Darwin's theory goes up like cotton after a boll-weevil scare.

Here is a burly, short-necked black man. On his upper lip is a scanty mustache of the kind that most negroes fondle with the vain hope that it will grow into a bushy thickness. Conley is the most common African type as to physique.

Never a flash of brightness, never a gleam of wit, never the sparkle of unconscious humor came during the three days Conley was on the stand. Newt Lee made the courtroom laugh. Conley didn't. He was always deadly earnest.

This earnestness is common to the most ignorant and illiterate members of the race always, particularly to the negro without a moral sense, without the inkling of a conscience, without scruples.

Delights in Dull Things.

Many people are given over to the fond belief that negroes are happy-go-lucky and irresponsible. Not negroes like Jim Conley. His kind find no pleasure in the simple things. Their recreations are sordid. They find their delight in things that are dull and drab, much as an animal would.

You can well believe that Jim Conley watched at the door while white men and women met secretly.

Jim Conley probably has no convictions concerning a God, nor belief in anything divine. It is this belief that makes the unintelligent negro a lovable person. Jim Conley lacked it, and became repulsive.

Most negroes have a simple faith and an unorthodox theology. Their immorality is ingenuous and childlike, and they err, when they do, through weakness or forgetfulness. Not Jim Conley.

Every Southerner knows Jim Conley's type.

The negro did not laugh in the three days of his ordeal. He never smiled. And it was not because he was afraid; it is just that his type is not given to smiling.

If he had squirmed in his seat or seemed uneasy, if he had revealed the slightest impertinence or the least bit of humor, if his eyes had only once seemed to plead with Luther Rosser to slacken the high tension of the cross-examination, then Jim Conley would have become the kind of negro that white men consider their friend, a human person.

Instead he sat there, his elbows on the arms of the big chair, his hands crossed in his lap, his eyes fixed on the eyes of the man who questioned him, and he answered glibly.

Even when he lied he gave back gaze for gaze, and answered glibly.

This little sketch of Jim Conley has nothing to do with whether his story is true or false. It may be the one or the other. The majority of men who have followed the case are of the opinion that a large part of it is true. Be that as as may. This is an attempted picture of the negro who has become the most notorious negro of Georgia, and it is altogether outside his story.

This is a picture of the negro who watched at the door, who lied, and lied even when he was under oath. His life has been pitched in sordid lines, and he probably forgot long ago that there is such a thing as a conscience or a judgment.

It is just because of this that Conley's story has been the remarkable production it was—a compound of admitted fabrication and probable truth. The negro has no scruples against falsehood. Little of his life, it is likely, has been true, and he could very easily sit unperturbed and tell a story that was false.

Jim Conley is not clever. He was merely running true to form, maintaining his type, when he told his story.

A white man with a similar lack of conscience, and in a similar position could not have been more glib and plausible than Conley. But he would have seemed more clever, and probably would have injured his story because of that cleverness. He would have smiled at times, or appeared careless. Or, if he lacked the temperamental basis of falsehood that Jim Conley undoubtedly has, he would have succumbed and his story would have fallen under the merciless fire of the cross-examination.

Conley Just Unmoral.

Jim Conley was calm, unmoved, unsmiling, even grim—if a negro can be grim. And his story could easily have been true or false. It was sufficiently plausible to be true. It was sufficiently typical of the conscienceless Conley kind of a negro to be false. But however that is, you get the impression that he is not the playful kind of negro you like.

Not clever, not to be coaxed or wheedled or browbeaten into either friendliness or resentment, not to be shamed by a show of his falsehoods, not to be frightened by threat of punishment, Jim Conley with his lies and his placid, unemotional narrative of how he dragged dead Mary Phagan as he would a bundle of rags, gives you to know that the entire sketch of his character may be summed in one word—unmoral.

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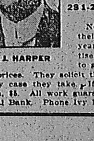
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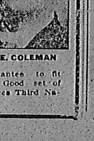
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HEARST'S

SUNDAY AMERICAN

EDITION FOR AUGUSTA

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LIND CALLS ADMIRAL IN CONFERENCE AT VERA CRUZ

Ambassador Sends Mysterious Message to Commander of Fleet for Meeting Immediately on His Arrival at the Mexican Port.

Huerta Maintains Iron-Hand Attitude in Spite of International Menace From Revolutionary Armies and Threatened Coercion.

Special Cable to The American.

VERA CRUZ, MEX., Aug. 9.—John E. Lind, special envoy to Mexico, arrived here at 1 o'clock this afternoon on the battleship New Hampshire. He was at once transferred to the battleship Louisiana.

VERA CRUZ, Aug. 9.—Captain Snowden, of the battleship New Hampshire, at the direction of John Lind, Special Ambassador from President Wilson to Mexico, to-day sent the following wireless to Admiral Fletcher, commander of the flotilla of United States warships in the harbor here:

"Governor Lind wishes to see the United States Consul and Admiral Fletcher immediately upon his arrival at Vera Cruz Saturday. Governor Lind will not go to Mexico City until Sunday."

Sensational rumors were circulated as to the cause for the conference. The New Hampshire will probably arrive this evening.

MEXICO CITY, Aug. 9.—Maintaining his iron hand attitude in spite of international menace from revolutionary armies and threatened coercion, Provisional President Huerta to-day continued his diplomatic battle with the United States by giving orders to draft another note of protest against the coming of Special Ambassador Lind, unless the United States recognizes Mexico or halts Mr. Lind before he arrives in this city.

Situation is Tense.

A tense situation exists here pending the arrival of Mr. Lind, who has been retarded by the State Department at Washington.

Huerta's hope that defiance of the United States might break down the revolutionary spirit in the north seems to have been futile, according to a message from General Venustiano Carranza, leader of the rebels.

This was a reply to overtures to Carranza to join his forces to the regular army in the event of a "foreign invasion." However, Huerta has gained fresh followers among the radical element by his defiance of President Wilson. Supporters of the provisional president charge that the United States is preparing to act as it did in Cuba.

Sensational reports were current to-day relative to the diplomatic mission of General Felix Diaz to Tokio. Ostensibly Diaz is going to thank the Japanese Government for its representation at the Mexican centennial, but the belief is growing that Japan has consented to make a treaty with Mexico, and that Diaz is really a special ambassador. This treaty, it is reported, has to do with a league of common interests and not with commercial right. It follows the movement of the Government to invite 50,000 Japanese emigrants here to colonize the state of Morelos, which has been nearly depopulated by the rebellion.

Insists on Recognition.

Whether Huerta has any more cards to play in his diplomatic fight against outside interference with Mexican affairs is a question known only to the provisional President and his closest advisers. Huerta insists on "recognition and no parley," but the Government is not in condition to enforce his threat by war.

The national treasury is nearly depleted, and the army material of the country has been thinned to a minimum by three years of revolution.

By diplomacy, however, he might still be able, by playing upon the Latin-American republics' fear of annexation and upon the hostility of foreign powers to the spirit of the Monroe Doctrine, to force the United States into a compromising position.

Even Nelson O'Shaughnessy, Charge d'Affaires of the United States Embassy here, is not acquainted with the details of Mr. Lind's mission. He has so informed the Mexican Foreign Minister.

Sulzer Used Funds Of Campaign to Play Market, Is Charge

Chairman Frawley, of Investigating Committee, Says This is Enough to Warrant Impeachment.

NEW YORK, Aug. 9.—Governor William Sulzer, of New York, was nearly $50,000 in debt as the result of stock market speculations at the time of his nomination, and used contributions to his campaign fund to make additional purchases of stocks while this debt was hanging over him, according to testimony presented to the Frawley committee of the Legislature.

The evidence is sufficient to warrant proceedings to impeach the Governor for violation of the corrupt practices act, Chairman Frawley declares. A decision as to the committee's recommendation is expected by Monday.

The Governor, according to the evidence, had dealings with three different stock exchange firms and was saved from being sold out by one firm by L. N. Josephthal, a Wall Street banker, and a member of the Governor's staff as naval reserve aide. Josephthal, it was brought out, paid a debit balance of $26,739 still standing against the account on July 15 last. This was after the Governor had received repeated calls for more margin.

The Governor's transactions with other firms were for cash, and it was in connection with one of these that Governor Sulzer, according to the evidence, used campaign contributions.

Mrs. Phoebe Hearst Y. W. C. A. Benefactor

Dedicates Camp at Pacific Grove, Cal., Which Her Generosity Made Possible.

DEL MONTE, CAL., Aug. 9.—Asilomar, the splendid new conference grounds of the California, Arizona and Nevada Young Women's Christian Association, which occupies 80 acres of ground on the ocean shore near Pacific Grove, was formally dedicated with a beautiful ceremony, including a pageant of 400 girls, typifying association work.

Mrs. Phoebe Hearst, of San Francisco, whose generous assistance last year and this did much to make a permanent camp possible, gave the dedicatory address and gave the conference grounds the name of Asilomar, which means "retreat."

Callie Hoke Smith Capital Debutante

Make-up of First Democratic "Bud Bouquet" Puzzles Washington's Younger Set.

WASHINGTON, Aug. 9.—The make-up of Washington's first Democratic debutante bouquet is the question that is agitating the younger set. It is confidently expected that Miss Genevieve Champ Clark, daughter of the Speaker, will be one of the buds, and Miss Frances Moore, the daughter of Clarence B. Moore, one of the Titanic heroes, another.

Resident society will furnish two attractive debutantes, who are not only socially prominent, but from Democratic families as well. They are Miss Margaret Britton, daughter of Mr. and Mrs. Alexander Britton and Miss Beatrice Clover, the youngest daughter of Rear Admiral Clover.

A debutante from the Congressional set will be Miss Callie Hoke Smith, daughter of Senator Hoke Smith, of Georgia. Other Congressional buds are the Misses Weaver, Church and Duval.

Manuel Pawns His Father's Decorations

Former King of Portugal Unable to Struggle Along on Income of $100,000 a Year.

Special Cable to The American.

LONDON, Aug. 9.—Despite his allowance of $50,000 a year from King George and at least that sum from private sources, it is learned that former King Manuel, of Portugal, has been forced to pawn the decorations once belonging to his father. One of these decorations, a diamond cross with a large sapphire in the center, is still in the hands of a pawnbroker near Richmond, where Manuel is now staying with his mother, Queen Amelie.

The fortunes of the dethroned monarch will be recouped by his approaching marriage. It is known that he is very extravagant and his mother is none too practical.

The German Emperor has settled the puzzling question of how to treat the exiled monarch's marriage to a German princess. He will allow Prince Eitel Frederick to attend as a special guest, but not as his personal representative.

Do You Know ?

The Greatest Fortress

See First "Want Ad" Page

GIVES OWN LIFE TO SAVE THOSE ABOARD BOAT

Divers Exploring Wreck of Steamboat Peters Lee Find Modern Jim Bludsoe in Hold.

ALL THE PASSENGERS ESCAPE

Engineer Kept Craft's Nose Stuck In Mud Until All Save He Were Safe on Shore.

MEMPHIS, TENN., Aug. 9.—Divers who explored the steamboat Peters Lee on the bottom of the Mississippi River at Lake Providence, La., to-day reported finding the body of Engineer Frank O'Neil, his hand holding the engine throttle.

He died there when the boat sank last night, having stayed at his post and held the boat's nose against the shore until the last of the 50 passengers, most of them women, were helped ashore.

O'Neil's act is practically a realization of the martyrdom of Jim Bludsoe, famed in the poem as the steamboat engineer who held her nose to the bank till all were saved, then was burned to death at his post.

A dance was on when the Peters Lee struck a sunken coal barge. A hole was torn in her side. The captain ordered the pilot to steer for the shore. The boat struck the mud, and officers and crew began taking off the passengers.

Frank O'Neil in the engine room kept the stern wheel churning while the water poured into the hold.

A negro shouted through the engine room door that the boat was sinking.

"I know it!" shouted O'Neil. "You fellows get on up front where you can get off! I'll hold her nose against the shore!"

The last passenger was safely landed when the boat sank in 40 feet of water.

Factory Gives Help $1,000,000 Insurance

Each of 1,000 Employees Gets a Policy Equal to His Year's Salary.

NEW YORK, Aug. 9.—The Standard Oil Company has taken out a policy of $1,000,000 to cover 1,000 employees, the company announces. Each employe is insured for the amount of one year's salary, with a maximum list of $2,000 on any one life.

Each employe gets a certificate to the beneficiary of the employee, in event of death while in the employment of the company.

All employees from the president to the office boy are covered, including those at the head office in New York, the salesmen throughout the country and the employes at the plants at Atlanta, N. Y., Youngstown, Ohio; Akron, Ohio; Rock Island, Ill., and Buchanan, N. Y.

Scientist Hints New Immortality Proof

Sir Oliver Lodge, of London, Will Give World Results of His Researches.

Special Cable to The American.

LONDON, Aug. 9.—Sir Oliver Lodge, whose researches into the unknown world made him famous, will assert at the meeting of the British Association on September 10 a belief in "an ultimate continuity of existence before and after death as essential to science."

It is inferred he has at least new evidence to offer of immortality.

He once told the world "the boundary between life and death is still substantial, but is wearing thin in places."

Slit Skirts Furnish Mosquito Clan With Choicest Barbecue

Trainload of Winsome Stenographers and Milliners Have to Tramp Through Stegomyia Bait.

NEW YORK, Aug. 9.—"All those in favor of slit skirts, please stand up." Millions of full grown mosquitoes and three or four little fellers were rushing wildly out of their apartment houses on ha Flushing Meadows, about 7 o'clock last night, and took part in the most rollicking barbacue ever held in the East.

Right in the middle of the salt grass waste were five cars of a Long Island Railroad train, stalled. The lights were out, men were running up and down shouting orders and Flushing was two miles away. After the train had stood for a few minutes, out of the passenger cars poured the choicest morsels of humanity that Mr. and Mrs. Culex Pungens and the little Pungenes ever saw. There were stenographers, typewriters, cashiers, millinery attaches and buxom matrons. Slit skirts were numerous.

In an endless procession the five hundred and more suburbanites trailed over the ties toward Flushing. There is some style in the mosquito belt and every member of the family seemed to know at once which of the passengers was dressed a la mode. The squeals and slaps of the fair ones as they tried to stop the onslaught sounded like a tattoo.

The procession lasted for more than two hours and when the last stenographer reached home a unanimous vote was taken declaring the mosquito a pest. Of course, there were some men along, but what self-respecting mosquito would bother with them at such a time?

ADMITS HE'S DECENT IN ANSWERING MARRIAGE AD

YONKERS, Aug. 9.—Reginald P. Shennan, editor of The Rye Courier, already has received one reply to the advertisement inserted in his paper by a "gentlewoman with large tract of land not far from Port Chester," who is seeking "an unselfish, decent, self-supporting man for a husband."

He turned the letter over to the advertiser, whose identity is being guarded carefully. The letter bore a Brooklyn postmark.

AUTOS EMPTY CHURCHES, SAY COUNTRY PREACHERS

MANHATAN, KANS., Aug. 9.—The dwindling of the congregations of country churches, due to the new era of automobiles, which makes it easy for the rural residents to attend services in nearby towns and cities, will be discussed at the Conference of Rural Leaders, July 21 to 25, at the Kansas Agricultural College. Members of the organization declare that Kansas now has about 1,200 abandoned churches in the farming districts.

FRANK OR CONLEY? STILL QUESTION

Issue Firmly Drawn Between Two Men

Crime Definitely Fixed on One of Pair

Leo Frank in his seat in the courtroom where he is fighting for life.

The prisoner is shown in the unconcerned attitude he assumes most of the time.

Not a move escapes this man's restless eyes, though his face is calm.

Famous Case to Solve Mystery of Slaying of Mary Phagan Enters Its Third Week With Public Opinion Constantly Shifting.

By AN OLD POLICE REPORTER.

The second week of the trial of Leo Frank, charged with the murder of Mary Phagan in the National Pencil Factory on the afternoon of April 26, came to a close Saturday noon.

The State's case has been entirely made up in its primary aspects, and the defense has gone into its story of the great crime sufficiently to make clear both its theory and probable line of pleading.

The public, as the case has progressed, has been swayed this way and that, and to-day the remarkable mystery of Mary Phagan's untimely and tragic end remains, in hundreds of minds, quite as much of a mystery as ever.

The Battle Is a See-Saw.

The State has had its good days and its bad days, and the defense has met the same fate. At times things have seemed dismally dark and gloomy for Frank, while at other times the clouds apparently have lifted from about him decidedly.

This much has been made clear:

Either Leo Frank will be shown to be responsible for the death of Mary Phagan, or Jim Conley will.

The one is the heart and soul of the State's contention, and the other is the heart and soul of the defense's contention.

Frank is battling not only to clear himself but to convict Conley.

Conley is battling not only to clear himself, but to convict Frank.

The only difference is that Conley, although not yet indicted, expects to be convicted as an accessory after the fact of the murder, in any event, whereas Frank, already indicted, expects to come absolutely clear and free of all possible connection with the crime.

The one has a heretofore good name to restore in all of its unblemished integrity, the other has merely his present reputation for criminal inclination to preserve against sinister enlargement.

The issue has been sharply and indelibly drawn—it is either Leo Frank's life for Mary Phagan's, or it is Jim Conley's.

The State has shown, or has endeavored to show the following things:

THAT Frank, shortly after noon on April 26, and before five minutes past noon, lured Mary Phagan, for an immoral purpose, to the rear of the second floor of the National Pencil Factory, and there, because she would not yield to his desires and demands, he knocked her down and immediately thereafter strangled her to death with a small cord, about one-eighth of an inch in thickness.

THAT after strangling her, Frank remained with her dead body until after a girl caller in his office had departed, when he tiptoed to the front of the floor whereupon the murder had been consummated, and secured the help of a negro sweeper, Jim Conley, employed about the place, to dispose of the body.

THAT Conley, under the direction of Frank, wrapped the dead body in a piece of heavy cloth, carried it to the elevator, and thence on the elevator to the basement, where it was placed in an obscure corner in the rear, later to be found by Newt Lee, a negro night watchman, generally held guiltless of direct connection with the crime itself.

THAT Frank, after hiding the body, with Conley's assistance, then induced Conley to write and place beside the dead girl certain illiterate notes fixing the crime, in so far as they might, upon some other person than either Frank or Conley, and that Frank, for Conley's services, paid him the sum of $2.50, but not until he had first paid him $200, which was withdrawn under promise to restore that sum later.

THAT Frank had an understanding with Conley, whereby Conley was to return to the factory later in the afternoon on Saturday and burn the body in the basement furnace, but that Conley

Jack London Puts Joke on His Appendix

Novelist Tells the Latest on Former Part of Himself and What's Left.

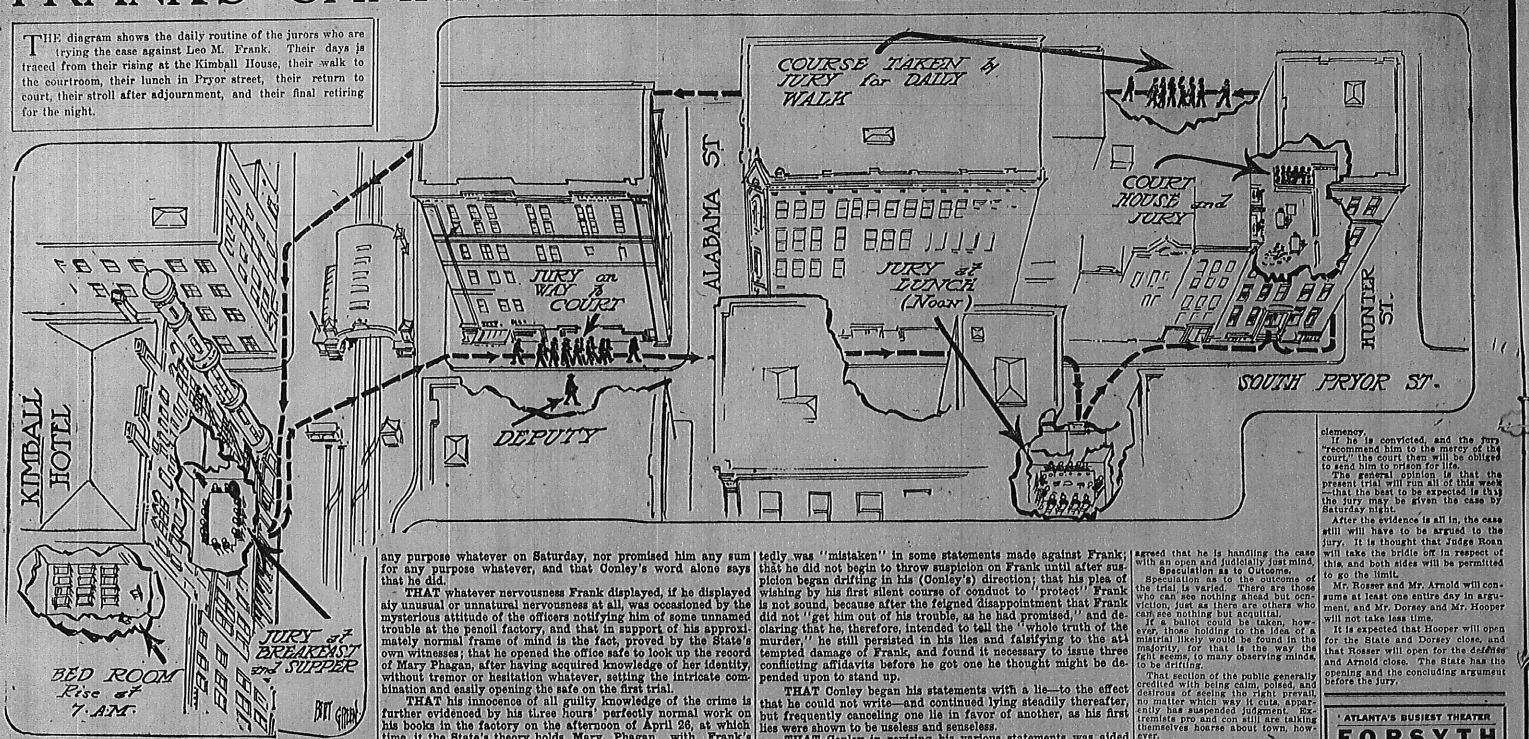
LOS ANGELES, Aug. 9.—Here is the latest joke Jack London, the famous author, is dealing on himself:

London was operated on recently for appendicitis. After the ordeal the surgeon held up the severed appendix in his fingers for the patient to see. The author looked at it thoughtfully then grinned and said:

"It was a case of all alone in London, wasn't it, doc?"

FRANK'S CHARACTER IS NEW BATTLE GROUND

THE diagram shows the daily routine of the jurors who are trying the case against Leo M. Frank. Their days is traced from their rising at the Kimball House, their walk to the courtroom, their lunch in Pryor street, their return to court, their stroll after adjournment, and their final retiring for the night.



DEFENSE HAS TO CLEAR NAME OF TWO CHARGES

Continued From Page 1.

went to sleep in the afternoon and neglected to perform this service.

THAT Frank, called to the factory early in the morning of Sunday, April 27, displaying great nervousness, and while on his way to the factory without having been informed of the dead girl's identity, declined, or at least failed and neglected, to look upon her features at the undertaker's, notwithstanding the fact that he later admitted her identity without having seen her dead.

THAT at the factory, at the place of the crime, his nervousness continued, and that next morning (Monday), when called to the police station for further questioning, he had secured counsel to defend him, notwithstanding the fact that he then had not been placed under arrest.

THAT after having been placed under arrest and indicted for murder, he persistently refused to meet his chief accuser, Jim Conley, face to face, or to discuss any features of the charges lodged against him.

THAT in addition to the crime of murder, as set forth in the indictment, Frank is a dissolute character, practicing the most depraved and perverted crimes with persons of loose morals, and that Jim Conley, on more than one occasion, acted as "lookout" for Frank on the first floor of the factory, while unspeakable and unmentionable things were being enacted above.

The State, in setting up the foregoing allegations, summoned as its principal and all-important witness, Jim Conley, who already made public affidavits to all of the charges set forth, except the one of perversion and the exact time of the crime charged.

Conley, after four or five changed statements theretofore made, set up in his final statement on the stand many other seemingly minor details not contained in any previous statement.

The foregoing is the State's case in completed form, except that it yet will have the right to produce witnesses in rebuttal of the defense's witnesses; the defense, in its turn, having the right to a further rebuttal of the State's rebuttal.

The defense has contended, or will contend:

THAT Conley's story is a tissue of frightful lies from start to finish, and that he himself really committed the crime charged against Frank, and that the defense will so demonstrate.

THAT Mary Phagan was not killed as early as 12:05 on the afternoon of April 26, but was, as a matter of fact, killed at least fifteen minutes later than that, if, as a matter of still further fact, she was not disabled hopelessly about that time, and actually killed even later.

THAT if she was not killed previous to 12:05, as set forth, by the State, that contention being uncompromisingly claimed by the State's own witnesses—Jim Conley and Monteen Stover—then Conley's story is impossible and absurd, and Monteen Stover's evidence entirely negligible.

THAT Frank did not lure Mary Phagan to the rear of the second floor, or to any other place, for any purpose whatever, and that she was only on the second floor sufficiently long to get her pay from the hands of Frank, and that she immediately thereafter left the second floor, going down to the first floor to meet her death at the hands of Conley.

THAT Frank never asked for or received the assistance of Jim Conley in disposing of the body of Mary Phagan, because he was in utter and entire ignorance of the murder until apprised of it Sunday morning.

THAT Frank had nothing whatever to do with the framing of the notes found beside the dead girl, and that in support of such a charge the State has only the word of Jim Conley, intensely interested in shifting the blame from his own guilty shoulders and on to his shoulders of Frank.

THAT Frank never paid Jim Conley any sum of money for any purpose whatever on Saturday, nor promised him any sum for any purpose whatever, and that Conley's word alone says that he did.

THAT whatever nervousness Frank displayed, if he displayed aiy unusual or unnatural nervousness at all, was occasioned by the mysterious attitude of the officers notifying him of some unnamed trouble at the pencil factory, and that in support of his approximately normal demeanor behind the fact, proved by the State's own witnesses; that he opened the office safe to look up the record of Mary Phagan, after having acquired knowledge of her identity, without tremor or hesitation whatever, setting the intricate combination and easily opening the safe on the first trial.

THAT his innocence of all guilty knowledge of the crime is further evidenced by his three hours' perfectly normal work on his books in the factory on the afternoon of April 26, at which time, if the State's theory holds, Mary Phagan, with Frank's knowledge, then was a corpse in the basement, dead at his murderous hands.

THAT Frank, instead of declining to look upon the face of the dead girl at the undertaker's while on his way to the factory Monday morning, did, as a matter of fact, look upon her face and recognize her.

THAT Frank had no counsel until after his retention at police headquarters had been publicly made known, and when he was notoriously under suspicion, and that even then counsel was sent to him by some outside friends, and did not come at his invitation paid off by Frank upstairs, hit her a violent blow upon her head, snatched her purse from her hand, and at once threw her body into the cellar by way of a nearby open space, for fear of someone coming into the building; that likely the blow first delivered was not sufficient to kill, and that her actual death was hastened, or may have been hastened later in the cellar below, by means of strangulation, there being always there an abundance of the very cord employed or supposed to have been employed in that act, or by his direction.

THAT Frank's refusal to meet Jim Conley, his lying accuser, was natural and proper in the circumstances, and that such a course was persisted in by the particular advice of his counsel; that Frank was under no moral or legal obligation to discuss his case with Conley, or with any other witness for the State.

THAT Frank, far from being a dissolute character, is a man of unblemished integrity, happily married; that he never has practiced depraved and perverted crimes, because such things would be and are entirely foreign to his nature; that he never has associated with immoral persons anywhere, at any time; that neither Jim Conley nor any other person ever acted as "lookout" for him for any purpose whatsoever—and that every monstrous and untrue charge or suggestion of immorality and degeneracy rests absolutely and finally upon the unsupported word of Conley, and not otherwise.

THAT there has been no tenable motive assigned to Frank for the murder of Mary Phagan; that the girl was not sexually violated or in any manner lacerated; that Frank had only the most casual acquaintance with her, and that of a perfectly natural business sort, and that he could not have had, and did not have, any reason whatever for desiring her death.

THAT, in truth and reality, the motive prompting the murder of Mary Phagan was robbery upon the part of Conley, and that for the purpose of securing her pittance of money, contained in a mesh purse, he did murder her and concealed her body in the basement.

THAT, as a matter of fact, Mary Phagan reached the National Pencil Factory on the afternoon of April 26 about 12:12 or 12:15; that she came up the steps directly to Frank's office, and received her pay for the time due her, in amount $1.20; that she at once departed Frank's office, without comment of any sort, and that Frank never saw her alive thereafter; that going down the steps, with her silver mesh bag in her hand, she had to pass Jim Conley, recently aroused from a drunken doze; that in attempting to get from the foot of the stairs, where Conley was sitting, to the door, some 20 feet away, she had to traverse a gloomy walkway, more than ordinarily gloomy at the time because the day was a legal holiday and the doors were closed, but not locked; that in traversing this walkway her back was toward Conley; that Conley, without money and craving more liquor, saw the unprotected little girl with the enticing silver bag in her hand, and surmising that she had been paid;

THAT after accomplishing his bloody deed Conley escaped by withdrawing the inside staple from the basement back door only a few feet away from the place where the dead girl subsequently was found; and that tracings of Conley during the afternoon of April 26 at various saloons about town show that he spent them in amount of money approximately that which Mary Phagan is supposed to have had in her purse at the time of her murder.

That of all her possessions the purse alone, notwithstanding exhaustive inquiry, never was accounted for until the last day Conley was on the stand, when he stated that Frank had had the purse in his possession just after the murder, and that he had concealed it in his safe. This allegation, the State's witness, he is sustained, as are the other most damaging allegations, by Conley's unsupported word entirely.

THAT Conley, the State's main witness, is a notoriously dissolute character, by his own admission seven times a jailbird, many times a liar, even under oath and on the witness stand, and admittedly was "mistaken" in some statements made against Frank; that he did not begin to throw suspicion on Frank until after suspicion began drifting in his (Conley's) direction; that his plea of wishing by his first silent course of conduct to "protect" Frank is not sound, because after the feigned disappointment that Frank did not "get him out of his trouble, as he had promised," and declaring that he, therefore, intended to tell the "whole truth of the murder," he still persisted in his lies and falsifying to the attempted damage of Frank, and found it necessary to issue three conflicting affidavits before he got one he thought might be depended upon to stand up.

THAT Conley began his statements with a lie—to the effect that he could not write—and continued lying steadily thereafter, but frequently canceling one lie in favor of another, as his first lies were shown to be useless and senseless.

THAT Conley in revising his various statements was aided and abetted by various police officials, presumably anxious for the reward offered for the apprehension and conviction of Mary Phagan's murderer, and that these officers pointed out to Conley the discrepancies as they arose from time to time, and that without this aid Conley's story never could have been made to hold together even as well as it did; that notwithstanding this prejudicing aid, however, Conley's story still is impossible and absurd, and of no account whatever against Frank.

The foregoing, in general, is the theory of the defense, as already set up and as yet to be developed, and along that line it will fight its battle to the end.

The defense is heavily equipped with witnesses to sustain its every contention, and these will be offered, in their ordr, to brak down the contrary theory of the State, as hereinbefore outlined, and upon th relative strength of the two showings depends, of course, the verdict.

Of absorbing interest now is the seeming determination of the defense to put Leo Frank's character frankly and fearlessly in evidence.

In a former article in The Sunday American several weeks ago I predicted that the defense would do this—and the then apparent determination of the defense along that line shows no symptoms of having been deviated fro min the slightest.

When Conley made his additional unanticipated attack on Frank's character from the witness stand, it was rather freely predicted about the streets that Frank never would, after that, agree to have his character put in evidence. Under the law, the State can not put the defendant's character in evidence—if it is put in at all, it must be put in by the defendant voluntarily. Once in, however, it may be riddled by the State, if the State is able to riddle it.

The determination, therefore, of the defense to put Frank's character in evidence is being accepted generally as indicating an unfaltering confidence upon the part of the defense that Frank may be able thereby to overcome the terrible and prejudicial charge of degeneracy, as well as the charge of murder, both resting so largely upon Conley, and Conley alone; and it also indicates a belief upon the part of the defense that the State already has done its worst in the matter of attacking Frank's character.

MUST REFUTE TWO CHARGES.

The fact that Frank is now engaged in refuting two charges instead of one makes his case double unique in Georgia, as it is contrary to the unbroken theory of the law heretofore.

In Georgia, the courts uniformly have held that a man can not be tried for more than one offense at one time—that is, that he can not be charged with murder, and in the same trial be called to account for another felonious crime.

The charge of degeneracy, however, got into the case without objection, and Frank's lawyers cross-examined the witness making it. The judge, therefore, although a motion was made afterward to strike out this evidence, ruled that it was too late to expunge it, and that it should go in for what it was worth.

This ruling, while in a way more or less unprecedented, was, in the main, by the public seemingly approved, upon the idea that it was fairer to both the State and the defense that the horrible charge, having been made, be thrashed out.

Should Frank be convicted, it is practically certain that a new trial will be asked on this very point, and it is the idea of many that the Judge Roan will grant it, although this conjecture is purely and absolutely speculative, of course.

The defense has summoned some seventy character witnesses, among whom are more than two score femal employes of the National Pencil Factory, all of whom will swear, it is said, to the defendant's decent and gentlemanly conduct at all times in their presence and during their varied terms of service in the factory, running from one to five years.

INTENSE INTEREST HOLDS.

Besides these, a score or more of Atlanta's most prominent business and professional men have been cited to come to court and testify in behalf of Frank's good name.

Rarely before, if ever, has there been as intense interest in a murder trial as there unquestionably is in the Frank case.

The crowds attending the trial have been enormous, the officers finding it necessary every day to turn away hundreds of auditors would-be spectators.

Public sentiment has swung back and forth—to-day inclined to believe Frank may be innocent, to-morrow sternly the reverse.

The Jury, sitting there in the courthouse, day after day, has been the subjective study of hundreds of real and near analytical minds—and the answer?

Every fellow answers for himself. The jury is imperturbable, unreadable, almost seemingly indifferent at times, indeed—but always keenly keyed to intense interest, nevertheless.

One might as well undertake to read the riddle of the Sphinx as to read the riddle of the Frank case in the minds of the jury trying it. It looks as if it is a jury well above the average—and that is about the beginning and the end of an intelligent guess as to what it will do.

Judge Roan is as baffling as the rest of the case, too, when it comes to speculating upon what he may or may not think of it all.

He is rated one of the very best Superior Court judges in the State, unusually able, certainly fearless, and agreed to be utterly fair and impartial.

At times, his rulings have seemed to favor the defense, and at other times they have seemed to favor the State; but, withal, the public seems agreed that he is handling the case with an open and judicially just mind.

Speculation as to Outcome.

Speculation as to the outcome of the trial is varied. There are those who can see nothing ahead but conviction, just as there are others who can see nothing but acquittal.

If a ballot could be taken, however, those holding to the idea of a mistrial likely would be found in the majority, for that is the way the fight seems to many observing minds, to be drifting.

That section of the public generally credited with being calm, poised, and desirous of seeing the right prevail, no matter which way it cuts, apparently has suspended judgment. Extremists pro and con still are talking themselves hoarse about town, however.

The progressing inclination among the people seems to be to let the jury settle it, and then to call that as near right as abstract justice and human insanity can make it.

In the event of an acquittal, the case ends. The State has no appeal. It must win on the first round or it loses for all time.

The defense, on the other hand, if it loses, may move for a new trial, upon proper assignment of error in the first trial. The judge of the jurisdiction passes upon this motion—he may grant it or not, as his discretion directs.

The general policy of judges is to refuse motions for new trials, but to not an unbroken policy, by any means.

If the new trial motion is denied, the case goes to a court of review—either the Supreme Court or the Court of Appeals. If one error or several be found in the original rulings of the court below, the case will be remanded back for a new trial, the judgment thus having been reversed and set aside.

Then the case begins all over again, practically as if it never had been tried.

In the event of matters taking that course, Frank hardly could be tried again before next year, 1914, and perhaps not before spring.

Conley Indictment Likely.

If Frank is acquitted, there is hardly a doubt that Jim Conley will be promptly indicted for the murder of Mary Phagan, and brought to trial at once.

In the event of Frank's final conviction, Conley will be indicted as an accessory after the fact. This would mean a sentence of not more than three years in the State's penitentiary for him.

If Frank is convicted, he can be convicted only of murder—the jury will not be permitted, under the form of the indictment, to find him guilty of a lesser crime.

The judge will have no discretion in sentencing him.

If found guilty, without a recommendation to mercy, he must hang unless the Governor should subsequently interfere and order executive clemency.

If he is convicted, and the jury "recommend him to the mercy of the court," the court then will be obliged to send him to prison for life.

The general opinion is that the present trial will run all of this week—that the best to be expected is that the jury may be given the case by Saturday night.

After the evidence is all in, the case still will have to be argued to the jury. It is thought that Judge Roan will take the bridle off in respect of this, and both sides will be permitted to go the limit.

Mr. Rosser and Mr. Arnold will consume at least one entire day in argument, and Mr. Dorsey and Mr. Hooper will not take less time.

It is expected that Hooper will open for the State and Dorsey close, and that Rosser will open for the defense and Arnold close. The State has the opening and the concluding argument before the jury.

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LIND CALLS ADMIRAL IN CONFERENCE AT VERA CRUZ

Ambassador Sends Mysterious Message to Commander of Fleet for Meeting Immediately on His Arrival at the Mexican Port.

Huerta Maintains Iron-Hand Attitude in Spite of International Menace From Revolutionary Armies and Threatened Coercion.

Special Cable to The American.

VERA CRUZ, MEX., Aug. 9.—John E. Lind, special envoy to Mexico, arrived here at 1 o'clock this afternoon on the battleship New Hampshire. He was at once transferred to the battleship Louisiana.

VERA CRUZ, Aug. 9.—Captain Snowden, of the battleship New Hampshire, at the direction of John Lind, Special Ambassador from President Wilson to Mexico, to-day sent the following wireless to Admiral Fletcher, commander of the flotilla of United States warships in the harbor here:

"Governor Lind wishes to see the United States Consul and Admiral Fletcher immediately upon his arrival at Vera Cruz Saturday. Governor Lind will not go to Mexico City until Sunday."

Sensational rumors were circulated as to the cause for the conference. The New Hampshire will probably arrive this evening.

MEXICO CITY, Aug. 9.—Maintaining his iron-hand attitude in spite of international menace from revolutionary armies and threatened coercion, Provisional President Huerta to-day continued his diplomatic battle with the United States by giving orders to draft another note of protest against the coming of Special Ambassador Lind, unless the United States recognizes Mexico or halts Mr. Lind before he arrives in this city.

Situation Is Tense.

A tense situation exists here pending the arrival of Mr. Lind, who has been retarded by the State Department at Washington.

Huerta's hope that defiance of the United States might break down the revolutionary spirit in the north seems to have been futile, according to a message from General Venustiano Carranza, leader of the rebels.

This was a reply to overtures to Carranza to join his forces to the regular army in the event of a "foreign invasion." However, Huerta has gained fresh followers among the radical element by his defiance of President Wilson. Supporters of the provisional president charge that the United States is preparing to act as it did in Cuba.

Sensational reports were current to-day relative to the diplomatic mission of General Felix Diaz to Tokio. Ostensibly Diaz is going to thank the Japanese Government for its representation at the Mexican centennial, but the belief is growing that Japan has consented to make a treaty with Mexico, and that Diaz is really a special ambassador. This treaty, it is reported, has to do with a league of common interests and not with commercial right. It follows the movement of the Government to invite 50,000 Japanese emigrants here to colonize the state of Morelos, which has been nearly depopulated by the rebellion.

Insists on Recognition.

Whether Huerta has any more cards to play in his diplomatic fight against outside interference with Mexican affairs is a question known only to the provisional President and his closest advisers. Huerta insists on "recognition and no parley," but the Government is not in condition to enforce his threat by war.

The national treasury is nearly depleted, and the army material of the country has been thinned to a minimum by three years of revolution.

By diplomacy, however, he might still be able, by playing upon the Latin-American republics' fear of annexation and upon the hostility of foreign powers to the spirit of the Monroe Doctrine, to force the United States into a compromising position.

Even Nelson O'Shaughnessy, Charge d'Affaires of the United States Embassy here, is not acquainted with the details of Mr. Lind's mission. He has so informed the Mexican Foreign Minister.

Sulzer Used Funds Of Campaign to Play Market, Is Charge

Chairman Frawley, of Investigating Committee, Says This Is Enough to Warrant Impeachment.

NEW YORK, Aug. 9.—Governor William Sulzer, of New York, was nearly $50,000 in debt as the result of stock market speculations at the time of his nomination, and used contributions to his campaign fund to make additional purchases of stocks while this debt was hanging over him, according to testimony presented to the Frawley committee of the Legislature.

The evidence is sufficient to warrant proceedings to impeach the Governor for violation of the corrupt practices act, Chairman Frawley declares. A decision as to the committee's recommendation is expected by Monday.

The Governor, according to the evidence, had dealings with three different stock exchange firms and was saved from being sold out by one firm by L. N. Josephthal, a Wall Street banker, and a member of the Governor's staff as naval reserve aide. Josephthal, it was brought out, paid a debit balance of $26,739 still standing against the account on July 15 last. This was after the Governor had received repeated calls for more margin.

The Governor's transactions with other firms were for cash, and it was in connection with one of these that Governor Sulzer, according to the evidence, used campaign contributions.

Mrs. Phoebe Hearst Y. W. C. A. Benefactor

Dedicates Camp at Pacific Grove, Cal., Which Her Generosity Made Possible.

DEL MONTE, CAL., Aug. 9.—Asilomar, the splendid new conference grounds of the California, Arizona and Nevada Young Women's Christian Association, which occupies 30 acres of ground on the ocean shore near Pacific Grove, was formally dedicated with a beautiful ceremony, including a pageant of 400 girls, typifying association work.

Mrs. Phoebe Hearst, of San Francisco, whose generous assistance last year and this did much to make a permanent camp possible, gave the dedicatory address and gave the conference grounds the name of Asilomar, which means "retreat."

Callie Hoke Smith Capital Debutante

Make-up of First Democratic "Bud Bouquet" Puzzles Washington's Younger Set.

WASHINGTON, Aug. 9.—The make-up of Washington first Democratic debutante bouquet is the question that is agitating the younger set. It is confidently expected that Miss Genevieve Champ Clark, daughter of the Speaker, will be one of the buds, and Miss Frances Moore, the daughter of Clarence R. Moore, one of the Titanic heroes, another.

Resident society will furnish two attractive debutantes, who are not only socially prominent, but from Democratic families as well. They are Miss Margaret Britton, daughter of Mr. and Mrs. Alexander Britton and Miss Beatrice Clover, the youngest daughter of Rear Admiral Clover.

A debutante from the Congressional set will be Miss Callie Hoke Smith, daughter of Senator Hoke Smith, of Georgia. Other Congressional buds are the Misses Weaver, Church and Duval.

Manuel Pawns His Father's Decorations

Former King of Portugal Unable to Struggle Along on Income of $100,000 a Year.

Special Cable to The American.

LONDON, Aug. 9.—Despite his allowance of $50,000 a year from King George and at least that sum from private sources, it is learned that former King Manuel, of Portugal, has been forced to pawn the decorations once belonging to his father. One of these decorations, a diamond cross with a large sapphire in the center, is still in the hands of a pawnbroker near Richmond, where Manuel is now staying with his mother, Queen Amelie.

The fortunes of the dethroned monarch will be recouped by his approaching marriage. It is known that he is very extravagant and his mother is none too practical.

The German Emperor has settled the puzzling question of how to treat the exiled monarch's marriage to a German princess. He will allow Prince Eitel Frederick to attend as a special guest, but not as his personal representative.

Do You Know

?

The Greatest Fortress

See First "Want Ad" Page

GIVES OWN LIFE TO SAVE THOSE ABOARD BOAT

Divers Exploring Wreck of Steamboat Peters Lee Find Modern Jim Bludsoe in Hold.

ALL THE PASSENGERS ESCAPE

Engineer Kept Craft's Nose Stuck in Mud Until All Save He Were Safe on Shore.

MEMPHIS, TENN., Aug. 9.—Divers who explored the steamboat Peters Lee on the bottom of the Mississippi River at Lake Providence, La., to-day reported finding the body of Engineer Frank O'Neil, his hand holding the engine throttle.

He died there when the boat sank last night, having stayed at his post and held the boat's nose against the shore until the last of the 50 passengers, most of them women, were helped ashore.

O'Neil's act is practically a realization of the martyrdom of Jim Bludsoe, famed in the poem as the steamboat engineer who held her nose to the bank till all were saved, then was burned to death at his post.

A dance was on when the Peters Lee struck a sunken coal barge. A hole was torn in her side. The captain ordered the pilot to steer for the shore. The boat struck the mud, and officers and crew began taking off the passengers.

Frank O'Neil in the engine room kept the stern wheel churning while the water poured into the hold.

A negro shouted through the engine room door that the boat was sinking.

"I know it!" shouted O'Neil. "You fellows get on up front where you can get off! I'll hold her nose against the shore!"

The last passenger was safely landed when the boat sank in 40 feet of water.

Factory Gives Help $1,000,000 Insurance

Each of 1,000 Employees Gets a Policy Equal to His Yearly Salary.

NEW YORK, Aug. 9.—The Standard Oilcloth Company has taken out a policy of $1,000,000 to cover 1,000 employees, the company announces. Each employee is insured for the amount of one year's salary, with a maximum list of $3,000 on any one life.

Each employee gets a certificate to the beneficiary of the employee, in event of death while in the employment of the company.

All employees from the president to the office boy are covered, including those at the head office in New York, the salesmen throughout the country and the employees at the plants at Athenia, N. J., Youngstown, Ohio; Akron, Ohio; Rock Island, Ill., and Buchanan, N. Y.

Scientist Hints New Immortality Proof

Sir Oliver Lodge, of London, Will Give World Results of His Researches.

Special Cable to The American.

LONDON, Aug. 9.—Sir Oliver Lodge, whose researches into the unknown world made him famous, will assert at the meeting of the British Association on September 10 a belief in "an ultimate continuity of existence before and after death as essential to science."

It is inferred he has at least new evidence to offer of immortality.

He once told the world "the boundary between life and death is still substantial, but is wearing thin in places."

Slit Skirts Furnish Mosquito Clan With Choicest Barbecue

Trainload of Winsome Stenographers and Milliners Have to Tramp Through Stegomyia Belt.

NEW YORK, Aug. 9.—"All those in favor of slit skirts, please stand up."

Millions of full grown mosquitoes and three or four little fellers were rushing wildly out of their apartment houses on he Flushing Meadows, about 7 o'clock last night, and took part in the most rollicking barbacue ever held in the East.

Right in the middle of the salt grass waste were five cars of a Long Island Railroad train, stalled. The lights were out, men were running up and down shouting orders and Flushing was two miles away. After the train had stood for a few minutes, out of the passenger cars poured the choicest morsels of humanity that Mr. and Mrs. Culex Pungens and the little Pungenses ever saw. There were stenographers, typewriters, cashiers, millinery attaches and buxom matrons. Slit skirts were numerous.

In an endless procession the five hundred and more suburbanites trailed over the ties toward Flushing. There is some style in the mosquito belt and every member of the family seemed to know at once which of the passengers was dressed a la mode. The squeals and slaps of the fair ones as they tried to stop the onslaught sounded like a tattoo.

The procession lasted for more than two hours and when the last stenographer reached home a unanimous vote was taken declaring the mosquito a pest. Of course, there were some men along, but what self-respecting mosquito would bother with them at such a time?

FRANK OR CONLEY? STILL QUESTION

Issue Firmly Drawn Between Two Men

Crime Definitely Fixed on One of Pair

Famous Case to Solve Mystery of Slaying of Mary Phagan Enters Its Third Week With Public Opinion Constantly Shifting.

Leo Frank in his seat in the court-room where he is fighting for life.

The prisoner is shown in the unconcerned attitude he assumes most of the time.

Not a move escapes this man's restless eyes, though his face is calm.

By AN OLD POLICE REPORTER.

The second week of the trial of Leo Frank, charged with the murder of Mary Phagan in the National Pencil Factory on the afternoon of April 26, came to a close Saturday noon.

The State's case has been entirely made up in its primary aspects, and the de nse has gone into its story of the great crime sufficiently to make clear both its theory and probable line of pleading.

The public, as the case has progressed, has been swayed this way and that, and to-day the remarkable mystery of Mary Phagan's untimely and tragic end remains, in hundreds of minds, quite as much of a mystery as ever.

The Battle Is a See-Saw.

The State has had its good days and its bad days, and the defense has met the same fate. At times things have seemed dismally dark and gloomy for Frank, while at other times the clouds apparently have lifted from about him decidedly.

This much has been made clear:

Either Leo Frank will be shown to be responsible for the death of Mary Phagan, or Jim Conley will.

The one is the heart and soul of the State's contention, and the other is the heart and soul of the defense's contention.

Frank is battling not only to clear himself but to convict Conley.

Conley is battling not only to clear himself, but to convict Frank.

The only difference is that Conley, although not yet indicted, expects to be convicted as an accessory after the fact of the murder, in any event, whereas Frank, already indicted, expects to come absolutely clear and free of all possible connection with the crime.

The one has a heretofore good name to restore in all of its unblemished integrity, the other has merely his present reputation for criminal inclination to preserve against sinister enlargement.

The issue has been sharply and indelibly drawn—it is either Leo Frank's life for Mary Phagan's, or it is Jim Conley's.

The State has shown, or has endeavored to show the following things:

THAT Frank, shortly after noon on April 26, and before five minutes past noon, lured Mary Phagan, for an immoral purpose, to the rear of the second floor of the National Pencil Factory, and there, because she would not yield to his desires and demands, he knocked her down and immediately thereafter strangled her to death with a small cord, about one-eighth of an inch in thickness.

THAT after strangling her, Frank remained with her dead body until after a girl caller in his office had departed, when he tiptoed to the front of the floor whereupon the murder had been consummated, and secured the help of a negro sweeper, Jim Conley, employed about the place, to dispose of the body.

THAT Conley, under the direction of Frank, wrapped the dead body in a piece of heavy cloth, carried it to the elevator, and thence on the elevator to the basement, where it was placed in an obscure corner in the rear, later to be found by Newt Lee, a negro night watchman, generally held guiltless of direct connection with the crime itself.

THAT Frank, after hiding the body, with Conley's assistance, then induced Conley to write and place beside the dead girl certain illiterate notes fixing the crime, in so far as they might, upon some other person than either Frank or Conley, and that Frank for Conley's services, paid him the sum of $2.50, but not until he had first paid him $200, which was withdrawn under promise to restore that sum later.

THAT Frank had an understanding with Conley, whereby Conley was to return to the factory later in the afternoon on Saturday and burn the body in the basement furnace, but that Conley

ADMITS HE'S DECENT IN ANSWERING MARRIAGE AD

YONKERS, Aug. 9.—Reginald P. Shennan, editor of The Rye Courier, already has received one reply to the advertisement inserted in his paper by a "gentlewoman with large tract of land not far from Port Chester," who is seeking "an unselfish, decent, self-supporting man for a husband."

He turned the letter over to the advertiser, whose identity is being guarded carefully. The letter bore a Brooklyn postmark.

AUTOS EMPTY CHURCHES, SAY COUNTRY PREACHERS

MANHATAN, KANS., Aug. 9.—The dwindling of the congregations of country churches, due to the new era of automobiles, which makes it easy for the rural residents to attend services in nearby towns and cities, will be discussed at the Conference of Rural Leaders, July 21 to 25, at the Kansas Agricultural College. Members of the organization declare that Kansas now has about 1,200 abandoned churches in the farming districts.

Jack London Puts Joke on His Appendix

Novelist Tells the Latest on Former Part of Himself and What's Left.

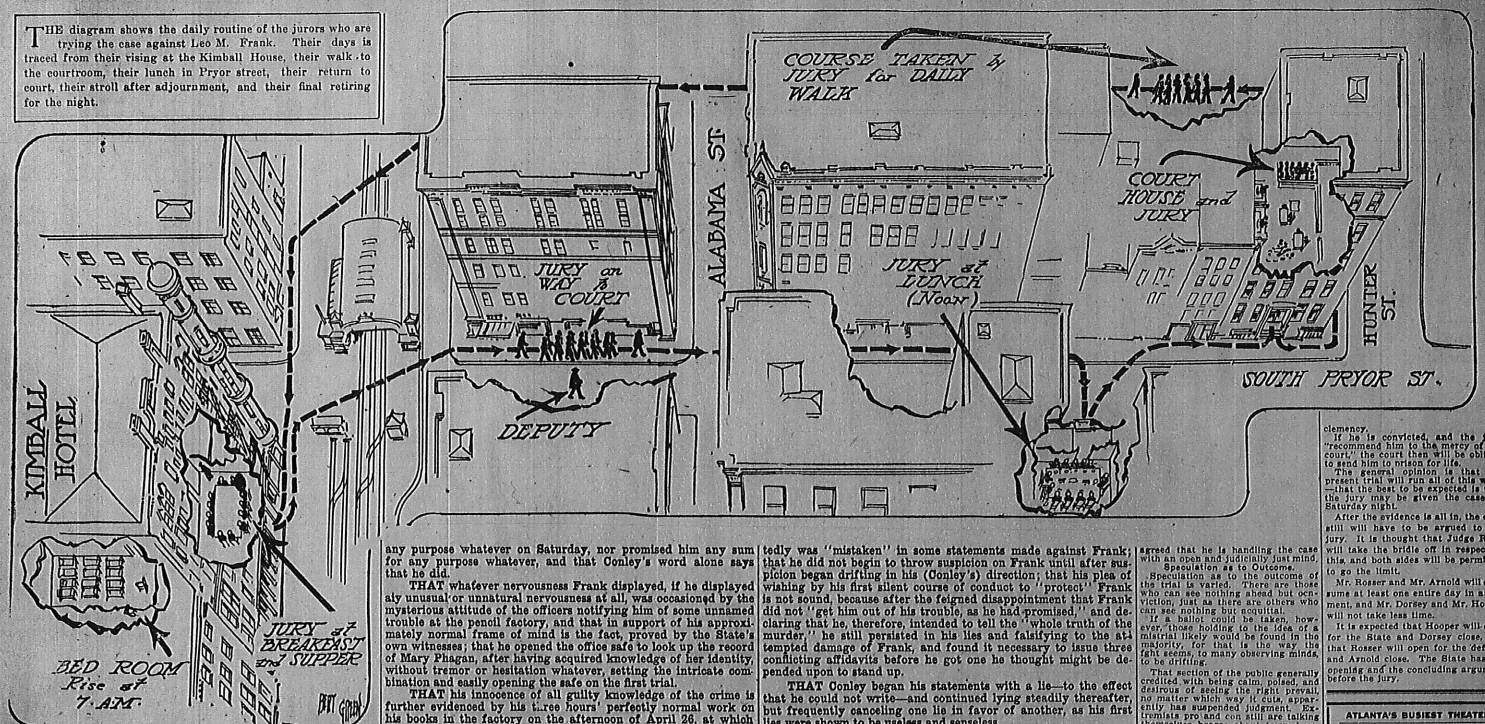
LOS ANGELES, Aug. 9.—Here is the latest joke Jack London, the famous author, is telling on himself:

London was operated on recently for appendicitis. After the ordeal the surgeon held up the severed appendix in his fingers for the patient to see. The author looked at it thoughtfully then grinned and said:

"It was a case of all alone in London, wasn't it, doc?"

FRANK'S CHARACTER IS NEW BATTLE GROUND

THE diagram shows the daily routine of the jurors who are trying the case against Leo M. Frank. Their days is traced from their rising at the Kimball House, their walk to the courtroom, their lunch in Pryor street, their return to court, their stroll after adjournment, and their final retiring for the night.



DEFENSE HAS TO CLEAR NAME OF TWO CHARGES

Continued From Page 1.

went to sleep in the afternoon and neglected to perform this service.

THAT Frank, called to the factory early in the morning of Sunday, April 27, displaying great nervousness, and while on his way to the factory without having been informed of the dead girl's identity, declined, or at least failed and neglected, to look upon her features at the undertaker's, notwithstanding the fact that he later admitted her identity without having seen her dead.

THAT at the factory, at the place of the crime, his nervousness continued, and that next morning (Monday), when called to the police station for further questioning, he had secured counsel to defend him, notwithstanding the fact that he then had not been placed under arrest.

THAT after having been placed under arrest and indicted for murder, he persistently refused to meet his chief accuser, Jim Conley, face to face, or to discuss any features of the charges lodged against him.

THAT in addition to the crime of murder, as set forth in the indictment, Frank is a dissolute character, practicing the most depraved and perverted crimes with persons of loose morals, and that Jim Conley, on more than one occasion, acted as "lookout" for Frank on the first floor of the factory, while unspeakable and unmentionable things were being enacted above.

The State, in setting up the foregoing allegations, summoned as its principal and all-important witness, Jim Conley, who already made public affidavits to all of the charges set forth, except the one of perversion and the exact time of the crime charged.

Conley, after four or five changed statements theretofore made, set up in his final statement on the stand many other seemingly minor dtails not contained in any previous statement.

The foregoing is the State's case in completed form, except that it yet will have the right to produce witnesses in rebuttal of the defense's witnesses; the defense, in its turn, having the right to a further rebuttal of the State's rebuttal.

The defense has contended, or will contend:

THAT Conley's story is a tissue of frightful lies from start to finish, and that he himself really committed the crime charged against Frank, and that the defense will so demonstrate.

THAT Mary Phagan was not killed as early as 12:05 on the afternoon of April 26, but was, as a matter of fact, killed at least fifteen minutes later than that, if, as a matter of still further fact, she was not disabled hopelessly about that time, and actually killed even later.

THAT if she was not killed previous to 12:05, as set forth, by the State, that contention being uncompromisingly claimed by the State's own witnesses—Jim Conley and Monteen Stover—then Conley's story is impossible and absurd, and Monteen Stover's evidence entirely negligible.

THAT Frank did not lure Mary Phagan to the rear of the second floor, or to any other place, for any purpose whatever, and that she was only on the second floor sufficiently long to get her pay from the hands of Frank, and that she immediately thereafter left the second floor, going down to the first floor to meet her death at the hands of Conley.

THAT Frank never asked for or received the assistance of Jim Conley in disposing of the body of Mary Phagan, because he was in utter and entire ignorance of the murder until apprised of it Sunday morning.

THAT Frank had nothing whatever to do with the framing of the notes found beside the dead girl, and that in support of such a charge the State has only the word of Jim Conley, intensely interested in shifting the blame from his own guilty shoulders and on to the shoulders of Frank.

THAT Frank never paid Jim Conley any sum of money for any purpose whatever on Saturday, nor promised him any sum for any purpose whatever, and that Conley's word alone says that he did.

THAT whatever nervousness Frank displayed, if he displayed aly unusual or unnatural nervousness at all, was occasioned by the mysterious attitude of the officers notifying him of some unnamed trouble at the pencil factory, and that in support of his approximately normal frame of mind is the fact, proved by the State's own witnesses, that he opened the office safe to look up the record of Mary Phagan, after having acquired knowledge of her identity, without tremor or hesitation whatever, setting the intricate combination and easily opening the safe on the first trial.

THAT his innocence of all guilty knowledge of the crime is further evidenced by his three hours' perfectly normal work on his books in the factory on the afternoon of April 26, at which time, if the State's theory holds, Mary Phagan, with Frank's knowledge, then was a corpse in the basement, dead at his murderous hands.

THAT Frank, instead of declining to look upon the face of the dead girl at the undertaker's while on his way to the factory Monday morning, did, as a matter of fact, look upon her face and recognized her.

THAT Frank had no counsel until after his retention at police headquarters had been publicly made known, and when he was notoriously under suspicion, and that even then counsel was sent to him by some outside friends, and did not come at his invitation paid off by Frank upstairs, hit her a violent blow upon her head, snatched her purse from her hand, and at once threw her body into the cellar by way of a nearby open space, for fear of someone coming into the building; that likely the blow first delivered was not sufficient to kill, and that her actual death was hastened, or may have been hastened later in the cellar below, by means of strangulation, there being always there an abundance of the very cord employed or supposed to have been employed in that act, or by his direction.

THAT Frank's refusal to meet Jim Conley, his lying accuser, was natural and proper in the circumstances, and that such a course was persisted in by the particular advice of his counsel; that Frank was under no moral or legal obligation to discuss his case with Conley, or with any other witness for the State.

THAT Frank, far from being a dissolute character, is a man of unblemished integrity, happily married; that he never has practiced depraved and perverted crimes, because such things would be and are entirely foreign to his nature; that he never has associated with immoral persons anywhere, at any time; that neither Jim Conley nor any other person ever acted as "lookout" for him for any purpose whatsoever—and that every monstrous and untrue charge or suggestion of immorality and degeneracy rests absolutely and finally upon the unsupported word of Conley, and not otherwise.

THAT there has been no tenable motive assigned to Frank for the murder of Mary Phagan; that the girl was not sexually violated or in any manner lacerated; that Frank had only the most casual acquaintance with her, and that of a perfectly natural business sort, and that he could not have had, and did not have, any reason whatever for desiring her death.

THAT, in truth and reality, the motive prompting the murder of Mary Phagan was robbery upon the part of Conley, and that for the purpose of securing her pittance of money, contained in a mesh purse, he did murder her and concealed her body in the basement.

THAT, as a matter of fact, Mary Phagan reached the National Pencil Factory on the afternoon of April 26 about 12:12 or 12:15; that she came up the steps directly to Frank's office, and received her pay for the time due her, in amount $1.20; that she at once departed Frank's office, without comment of any sort, and that Frank never saw her alive thereafter; that going down the steps, with her silver mesh bag in her hand, she had to pass Jim Conley, recently aroused from a drunken doze; that in attempting to get from the foot of the stairs, where Conley was sitting, to the door, some 20 feet away, she had to traverse a gloomy walkway, more than ordinarily gloomy at the time because the day was a legal holiday and the doors were closed, but not locked; that in traversing this walkway her back was toward Conley; that Conley, without money and craving more liquor, saw the unprotected little girl with the enticing silver bag in her hand, and surmising that she had been

THAT after accomplishing his bloody deed Conley escaped by withdrawing the inside staple from the basement back door only a few feet away from the place where the dead girl subsequently was found; and that tracings of Conley during the afternoon of April 26 at various saloons about town show that he spent then an amount of money approximately that which Mary Phagan is supposed to have had in her purse at the time of her murder.

That of all her possessions the purse alone, notwithstanding exhaustive inquiry, never was accounted for until the last day Conley was on the stand, when he stated that Frank had had the purse in his possession just after the murder, and that he had concealed it in his safe. This allegation, the defense points out, is unsustained, as are the other most damaging allegations, by Conley's unsupported word entirely.

THAT Conley, the State's main witness, is a notoriously dissolute character, by his own admission seven times a jailbird, many times a liar, even under oath and on the witness stand, and admittedly was "mistaken" in some statements made against Frank; that he did not begin to throw suspicion on Frank until after suspicion began drifting in his (Conley's) direction; that his plea of wishing by his first silent course of conduct to "protect" Frank is not sound, because after the feigned disappointment that Frank did not "get him out of his trouble, as he had promised," and declaring that he, therefore, intended to tell the "whole truth of the murder," he still persisted in his lies and falsifying to the attempted damage of Frank, and found it necessary to issue three conflicting affidavits before he got one he thought might be depended upon to stand up.

THAT Conley began his statements with a lie—to the effect that he could not write—and continued lying steadily thereafter, but frequently canceling one lie in favor of another, as his first lies were shown to be useless and senseless.

THAT Conley in revising his various statements was aided and abetted by various police officials, presumably anxious for the reward offered for the apprehension and conviction of Mary Phagan's murderer, and that these officers pointed out to Conley the discrepancies as they arose from time to time, and that without this aid Conley's story never could have been made to hold together even as well as it did; that notwithstanding this prejudicing aid, however, Conley's story still is impossible and absurd, and of no account whatever against Frank.

The foregoing, in general, is the theory of the defense, as already set up and as yet to be developed, and along that line it will fight its battle to the end.

The defense is heavily equipped with witnesses to sustain its every contention, and these will be offered, in their ordr, to brak down the contrary theory of the State, as hereinbefore outlined, and upon th relative strength of the two showings depends, of course, the verdict.

Of absorbing interest now is the seeming determination of the defense to put Leo Frank's character frankly and fearlessly in evidence.

In a former article in The Sunday American several weeks ago I predicted that the defense would do this—and the then apparent determination of the defense along that line shows no symptoms of having been deviated fro min the slightest.

When Conley made his additional unanticipated attack on Frank's character from the witness stand, it was rather freely predicted about the streets that Frank never would, after that, agree to have his character put in evidence. Under the law, the State can not put the defendant's character in evidence—if it is put in at all, it must be put in by the defendant voluntarily. Once in, however, it may be riddled by the State, if the State is able to riddle it.

The determination, therefore, of the defense to put Frank's character in evidence is being accepted generally as indicating an unfaltering confidence upon the part of the defense that Frank may be able thereby to overcome the terrible and prejudicial charge of degeneracy, as well as the charge of murder, both resting so largely upon Conley, and Conley alone; and it also indicates a belief upon the part of the defense that the State already has done its worst in the matter of attacking Frank's character.

MUST REFUTE TWO CHARGES.

The fact that Frank is now engaged in refuting two charges instead of one makes his case double unique in Georgia, as it is contrary to the unbroken theory of the law heretofore.

In Georgia, the courts uniformly have held that a man can not be tried for more than one offense at one time—that is, that he can not be charged with murder, and in the same trial be called to account for another felonious crime.

The charge of degeneracy, however, got into the case without objection, and Frank's lawyers cross-examined the witness making it. The judge, therefore, although a motion was made afterward to strike out this evidence, ruled taht it was too late to expunge it, and that it should go in for what it was worth.

This ruling, while in a way more or less unprecedented, was, in the main, by the public seemingly approved, upon the idea that it was fairer to both the State and the defense that the horrible charge, having been made, be thrashed out.

Should Frank be convicted, it is practically certain that a new trial will be asked on this very point, and it is not at all improbable that Judge Roan will grant it, although this conjecture is purely and absolutely speculative, of course.

The defense has summoned some seventy character witnesses, among whom are more than two score formal employes of the National Pencil Factory, all of whom will swear, it is said, to the defendant's decent and gentlemanly conduct at all times in their presence and during their varied terms of service in the factory, running from one to five years.

INTENSE INTEREST HOLDS.

Besides these, a score or more of Atlanta's most prominent business and professional men have been cited to come to court and testify in behalf of Frank's good name.

Rarely before, if ever, has there been as intense interest in a murder trial as there unquestionably is in the Frank case.

The crowds attending the trial have been enormous, the officers finding it necessary every day to turn away hundreds of anxious would-be spectators.

Public sentiment has swung back and forth—today inclined to believe Frank may be innocent, to-morrow sternly the reverse.

The jury, sitting there in the courthouse day after day, has been the subjective study of hundreds of real and near analytical minds—and the answer?

Every fellow answers for himself. The jury is imperturable, unreadable, almost seemingly indifferent at times, indeed—but always keenly keyed to intense interest, nevertheless!

One might as well undertake to read the riddle of the Sphinx as to read the riddle of the Frank case in the minds of the jury trying it. It looks as if it is a jury well above the average—and that is about the beginning and the end of an intelligent guess as to what it will do.

Judge Roan is as baffling as the rest of the case, too, when it comes to speculating upon what he may or may not think of it all.

He is rated one of the very best Superior Court judges in the State, unusually able, certainly fearless, and agreed to be utterly fair and impartial.

At times, his rulings have seemed to favor the defense, and at other times they have seemed to favor the State; but, withal, the public seems agreed that he is handling the case with an open and judicially just mind.

Speculation as to Outcome.

Speculation as to the outcome of the trial is varied. There are those who can see nothing ahead but conviction, just as there are others who can see nothing but acquittal.

If a ballot could be taken, however, those holding to the idea of a mistrial likely would be found in the majority, for that is the way the fight seems to many observing minds to be drifting.

That section of the public generally credited with being calm, poised, and desirous of seeing the right prevail no matter which way it cuts, apparently has suspended judgment. Extremists pro and con still are talking themselves hoarse about town, however.

The progressing inclination among the people seems to be to let the jury settle it, and then to call that as near right as abstract justice and human ingenuity can make it.

In the event of an acquittal, the case ends. The State has no appeal. It must win on the first round, or it loses for all time.

The defense, on the other hand, if it loses, may move for a new trial upon proper assignment of error in the trial court. The judge of original jurisdiction passes upon the motion, he may grant it or not, as his discretion directs.

The general policy of judges is to refuse motions for new trials, but it is not an unbroken policy by any means.

If the new trial motion is denied, the case goes to a court of review—either the Supreme court or the Court of Appeals. If one error or several be found in the original rulings of the court below, the case will be remanded back for a new trial, the judgment thus having been reversed and set aside.

Then the case begins all over again practically as if it never had been tried.

In the event of maters taking that course, Frank hardly could be tried again before next year, 1914, and perhaps not before spring.

Conley Indictment Likely.

If Frank is acquitted, there is hardly a doubt that Jim Conley will be promptly indicted for the murder of Mary Phagan, and brought to trial later.

In the event of Frank's final conviction, Conley will be indicted as accessory after the fact. This would mean a sentence of not more than three years in the State penitentiary for him.

If Frank is convicted, he can be convicted only of murder—the jury will not be permitted, under the form of the indictment, to find him guilty of a lesser crime.

The judge will have no discretion in sentencing him.

If found guilty, without a recommendation to mercy, he must hang, unless the Governor should subsequently interfere and order executive clemency.

If he is convicted, and the jury "recommend him to the mercy of the court" the court then will be obliged to send him to prison for life.

The general opinion is that the present trial will run all of this week—that the best to be expected is that the jury may be given the case by Saturday night.

After the evidence is all in, the case still will have to be argued to the jury. It is thought that Judge Roan will take the bridle off in respect of this, and both sides will be permitted to go the limit.

Mr. Rosser and Mr. Arnold will consume at least one entire day in argument, and Mr. Dorsey and Mr. Hooper will not take less time.

It is expected that Hooper will open for the State and Dorsey close, and that Rosser will open for the defense and Arnold close. The State has the opening and the concluding argument before the jury.

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WOOD & WYDE
In "Good Night"
A Laughing Surprise
MILO BELDOM & CO.
In "Oh Doctor"
THE RANDALLS
Sharpshooters
BRANGAN & SAVILLE
Novelty
NEXT WEEK WILLIE WESTON MIKE BERNARD

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