

TRIAL OF LEO M. FRANK ON CHARGE OF MURDER BEGINS; MRS. COLEMAN, GEORGE EPPS AND NEWT LEE ON STAND

WATCHMAN TELLS OF FINDING BODY OF MARY PHAGAN

Trial Adjourns for the Day
While Lee Is on the Stand,
and His Cross-Questioning
Will Be Resumed Today.

MOTHER AND THE WIFE
OF PRISONER CHEER HIM
BY PRESENCE AT TRIAL

Jury Is Quickly Secured and
Mrs. Coleman, Mother of
the Murdered Girl, Is First
Witness to Take Stand.

With a swiftness which was gratifying to counsel for the defense, the solicitor general and a large crowd of interested spectators, the trial of Leo M. Frank, charged with the murder of Mary Phagan on April 26, in the building of the National Pencil factory, was gotten under way Monday.

When the hour of adjournment for the day had arrived, the jury had been selected and three witnesses had been examined. Newt Lee, the nightwatchman who discovered the dead body of Mary Phagan in the basement of the National Pencil factory, and who gave the first news of the crime to the police, was still on the stand, undergoing a rigid cross-examination by Luther Z. Rosser, attorney for Frank.

Lee Sticks
To First Story.

When the trial is resumed this morning, Newt Lee will again be placed on the stand. It is not expected that anything new will be adduced from his testimony. Throughout the grueling cross-examination of Mr. Rosser Monday afternoon Lee stuck to his original story in minutest detail.

Questions that would have confused or befuddled a man of education failed to budge him from the statement he originally made to the police, and has repeated from time to time to reporters and court officials.

The first day's proceedings of the Frank trial proved singularly free of the dramatic element or the unexpected in testimony.

There were touches of the pathetic, as, for example, when Mrs. J. W. Coleman, mother of the dead child, broke down and cried bitterly when she viewed the clothing of her little daughter; and there were touches of humor when the little Epps boy, who had ridden to town with Mary Phagan on the day of her murder, explained to Luther Rosser his method of telling the time of day by the sun, and of Newt Lee, who amused the courtroom by his quaint allusions and his negro descriptions of a tiny light in the basement of the pencil factory, which he likened to the gleam of a lightning bug, and of his quick retort when Mr. Rosser purposely spoke of his insect as a June bug.

"I didn't say June bug—I said lightning bug," contradicted Newt.

Careful Attention

To Detail.

This brief excerpt is given as sig-

Scene in Courtroom While Newt Lee Was Delivering His Testimony



Photo by Francis E. Price, Staff Photographer.

Directly in front of Judge Roan is seen Leo M. Frank, next to him is his wife on one side and his mother, the latter nearer to Judge Roan, and Luther Rosser, Reuben Arnold and Luther Rosser, Jr., of counsel for the defense. Solicitor General Hugh Dorsey is standing to the rear of the table in front of the judge's stand. Behind him are Chief of Detectives Newport Lanford, Detective Pat Campbell, Attorney Frank Hooper and others interested in the prosecution. Members of the jury are seated to the right of Judge Roan. In the foreground is the press table, where a score or more newspaper reporters were busy during the day taking notes on the trial.

JURY SELECTED TO TRY FRANK.

- C. J. Basshart, age 26, single, pressman, resides 216 Bryan street.
 - A. H. Henslee, age 36, married, head salesman Franklin Buggy company of Barnesville; resides 74 Oak street.
 - J. P. Higdon, age 42, married, building contractor, resides 108 Orme-wood avenue.
 - W. M. Jeffries, age 33, married, real estate, resides Bolton, Ga.
 - M. Johnning, age 46, married, shipping clerk, resides 161 Jones street.
 - W. F. Medcalf, age 30, married, mailer, resides 136 Kirkwood avenue.
 - J. T. Ozburn, age 36, married, optician, resides 30 Ashby street.
 - Frederick Van L. Smith, age 37, married, electrical manufacturing agent, resides 481 Cherokee avenue.
 - D. Townsend, age 23, married, paying teller, resides 17 East Linden street.
 - F. E. Winburn, age 39, married, claim agent Atlanta and West Point railroad, resides 213 Lucile avenue.
 - A. L. Wisbey, age 43, married, cashier, resides 31 Hood street.
 - M. S. Woodward, age 34, married, cashier King Hardware company, resides 182 Park avenue.
- Married, 11; single, 1; youngest, 23; oldest, 46; average age, 35 years and 6 months; quartered at Kimball house, in charge of Bailiffs Charles F. Huber and F. A. Pennington.

DORSEY SATISFIED.

This was Solicitor General Hugh M. Dorsey's statement made last night.

"Results obtained during Monday exceeded even the state's hopeful expectations. Progress was highly satisfactory, and the results achieved predict continued success throughout the case. We have always felt confident of victory, but now feel absolutely assured."

DEFENSE IS PLEASED.

This statement was made last night to a Constitution reporter by Attorney Reuben R. Arnold, associate counsel for the defense:

"I am decidedly pleased with the first day's progress. The defense feels that great headway has been made toward victory. We feel assured that the success we experienced Monday will continue throughout the trial."

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nificant of the careful attention to detail that Leo gave to his story.

When the hour of 9 o'clock arrived, Pryor street in front of the temporary courthouse building was cluttered with the usual mob of the morbidly curious. They hugged the hot walls of the buildings like lethargic leeches, vainly trying to gain admission to the building, or buzzed about like bees, gossiping idly of the case.

Perfect order was maintained, however, and few not directly interested in the trial were allowed to enter the courtroom. All day long the crowd remained on the sidewalks gazing intently at the windows, to the courtroom, spewing tobacco juice on the street, eagerly questioning every person who left the building.

Interest naturally centered on the appearance in the court of Leo M. Frank, the accused. If Frank has chafed under his confinement, his physical appearance betrays the fact. He looked as fit physically as he did the day he was first arrested. He was dressed with scrupulous neatness in a gray suit of pronounced pattern, which was all the more conspicuous on account of his diminutive form. As he entered the courtroom he smiled cordially at several friends. The first person to whom he spoke was a woman employee of the pencil factory.

Next in interest was Mrs. Leo M. Frank, wife of the accused, who, up to this time, has been seen little in public. Mrs. Frank is an extremely attractive-looking young woman. During progress of the trial she kept her eyes constantly fixed on Solicitor Dorsey. Her gaze was one of calm estimate. She seemed to be attempting to fathom his thoughts and to divine his purposes.

Mrs. Coleman Takes Stand.

Efforts to show Mary Phagan's attitude toward Leo M. Frank by the state and efforts by the defense to show the dead girl's attitude toward Little George Epps, the 14-year-old newsboy who testified to riding down town with her on the morning before she was found dead, were the first important things attempted yesterday when the trial of the state v. Leo M. Frank, charged with the Phagan girl's murder on April 26, was formally opened.

Both efforts were promptly blocked for the present time by opposing counsel, and the testimony was started in regular form by the introduction of Mrs. J. W. Coleman, mother of Mary Phagan, as the first witness for the state.

During the preliminaries Attorneys Reuben R. Arnold and Luther Z. Rosser, for Frank, tried to conceal the names of their witnesses, but on Solicitor Hugh M. Dorsey's objections, they were overruled by Trial Judge L. S. Roan, and they called and swore their witnesses as the state had done but a few moments previously.

In a come-back for this the defense asked the court to honor their duces tecum which they previously served upon the solicitor, requiring him to bring into court all statements and affidavits made by James Conley, the negro sweeper, who made an affidavit incriminating himself and declaring he had aided Frank in disposing of the girl's body.

Solicitor Dorsey, after a conference with Frank A. Hooper, a brilliant criminal lawyer aiding him, dictated a statement to the court stenographer in which he agreed to produce these

affidavits and statements at the proper time, should they be held material.

Defense Announces Ready.

The case started promptly at 9 o'clock with the courtroom thronged with venturers and spectators, witnesses and lawyers and friends of the principal. Contrary to the persistent rumor that the defense would ask postponement and to their frequent objections to the trial in the heated term, the defense proved ready and willing to go to trial.

Frank had been brought from the Tower at 6 o'clock in the morning, and at 7 o'clock had his breakfast brought to him by friends. He ate this in an ante-room, where he remained until the time came for picking the jury, when he came into the courtroom.

When Judge Roan called the court to order all seats were taken.

Frank Enters Courtroom.

It was a few minutes after 10 o'clock, and when the venturers had been divided into nine panels and a number of them excused on various legal grounds, that Frank was led into the courtroom by a deputy who had stayed with him in the ante-room.

Frank looked quickly about him as he came into the crowded room. He appeared, as a person frequently is, unable to take in all at once the scene in the crowded hall. There was a general stir about the room as he entered, and as he made out the straining faces and searching eyes, it seemed to dawn upon him that he was the man for whom the crowd had gathered and at whom all eyes were turned.

A quizzical smile came over his face. His eyes were partly hidden by the thick and slightly darkened glasses he wore, but his expression seemed to indicate that he was telling himself, "It's my appearance that has brought this stir and what can those people be thinking about me."

It was the first time Frank had seen a crowd since he entered the jail on May 8, and it was the first time he had been given an opportunity to look on any but faces of his close friends. The order of the courtroom was perfect except for the slight stir.

Directed by Wife and Mother.

Frank went to a seat in front of the judge's stand and near his lawyers. Several of his close friends who had been admitted within the rail crowded round and warmly greeted his hand. A moment later his wife and mother, Mrs. Ray Frank, followed him from the ante-room and took seats on either side.

Mrs. Frank is a beautiful woman, just past the bloom of girlhood, and whose attractive face would cause a second look from any man.

Neither Mrs. Frank, the wife, nor Mrs. Frank, the mother, showed by their looks the strain that the accusation upon their loved one must have caused them.

Jury Quickly Chosen.

The entire morning session was taken up in choosing a jury and general surprise was expressed that the twelve men in whose hands Frank's life now lies, were selected from the 144 venturers and within the time mentioned.

At 1:30 the jury had been selected and sworn in and Judge Roan, upon agreement from both sides, adjourned until 3 o'clock. Frank was then taken to an ante-room where his dinner was brought to him from his home, and where, with his wife and mother, he calmly partook of his meal.

Girl's Mother Breaks Down.

It was at the afternoon session that Mrs. J. W. Coleman, mother of the murdered girl, was put on the stand by the state as the first witness. She was asked a number of questions and finally on being shown the dead girl's clothes, broke completely down and sank back in her chair sobbing with her face hidden by a large palm leaf fan.

Deputy Miner, quickly brought her a glass of water and she slightly recovered, only to break down again when the defense began to cross-examine her. During her mental suffering Frank carefully kept his eyes away from her, although he sat facing her and the jury. He seemed either unable or unwilling to view the mother's grief.

George Epps, the little newsboy, who claims to have ridden to town on the street car with the Phagan girl, and who is said to have declared that she told him of certain things she did not like about Frank, was next put up. He was followed by Newt Lee, the negro night watchman, whose telephone call to police station, brought the officers to the scene of the crime at

3 o'clock on Sunday morning, April 27.

When Mrs. Coleman was put on as the first witness she was then apparently holding herself perfectly composed. She was dressed in a black mourning dress and wore a black hat and heavy veil which she threw back from her face.

The mother talked in a quiet, refined voice, that was at times inaudible to lawyers and jurors. By her looks the Phagan family is above the station in life from which come children who toil in factories.

Mrs. Coleman's Testimony.

After answering the usual questions in regard to her relationship and place of residence, she began her testimony. "When did you last see Mary Phagan alive?" asked the solicitor.

Answer: "On the morning of April 26, at my home."

Question: "What did she do that morning?"

Answer: "She helped me with the general housework."

Question: "When did she get up and when did she have breakfast?"

Answer: "She got up about 11 o'clock and had breakfast right afterwards."

Question: "What did she eat?"

Answer: "She ate some cabbage and some bread."

Question: "Was that all?"

Answer: "Yes, I think it was; I know it was."

Question: "What time did she leave home?"

Answer: "About a quarter to 12."

Question: "How old was Mary Phagan?"

Answer: "She was nearly 14 years old. She would have been 14 on June 1."

At the mention of her daughter's fourteenth birthday, the mother broke down for the first time. It was not evident what had happened as she hid her face with her large fan and no one knew that she was gently sobbing until a minute later.

Tells of Girl's Beauty.

Here followed questions and answers in which the mother told that Mary Phagan was large and well developed girl for her size and that she was fair complexioned and decidedly pretty.

"Was she pretty or ugly?" the solicitor asked directly and yet in the kindest tone.

"She was pretty, mighty pretty," the mother replied.

"Did not she have dimples in her cheeks?" pressed the solicitor.

"Yes, a dimple in either cheek," replied the mother.

Mrs. Coleman was then asked to describe the dress her child had worn on the morning when she bade her goodby and told her she was going to the pencil factory to draw her pay.

A moment later an attache of the solicitor's office had spread out on the floor before the mother and the jury the clothes which the girl wore when her dead body was found.

"How long had it been since the girl had worked at the factory?" the solicitor asked while his employee was unwrapping the bundle of clothing.

"She had not worked there since the previous Monday," Mrs. Coleman replied.

The woman had been shading her eyes from the sun's rays during the examination, and suddenly she removed it and spied the clothes. She had previously sobbed when telling of her daughter's age, and of the little personal traits about her; but when she perceived the garments the child had worn when she last kissed her goodby, little thinking it was forever on earth, a great shudder passed over her frame.

A burst of sobbing seemed to give her relief, and when the deputy brought her a glass of water she recovered sufficiently to drink it and to thank him so quietly that her voice was again audible only a few feet away.

The mother's agony at the sight of her dead child's clothing was enough proof that she had identified them in the mind of the solicitor, and he declared that he had no more questions to ask.

Cross-Examination by Rosser.

Luther Z. Rosser, for the defense, took up the unpleasant task of cross-examination.

"Is that Miss Mary's hat?" he asked in as kindly a way as his great voice and rugged bearing would permit.

"Yes," sobbed the mother.

"She wore a pale blue ribbon and a

Women Show Interest in Trial



Photo by Francis E. Price, Staff Photographer.

A snapshot of two ladies attending the trial of Leo M. Frank, taken as they were leaving the courtroom, both holding their fans up at sight of the photographer.

small bunch of flowers on her hat when she left home, didn't she?" the lawyer asked.

"Yes," came the faint reply.

"Those are her clothes, then?" queried the attorney.

"Yes, I recognize them as hers," said Mrs. Coleman.

Attorney Rosser turned from the matter of clothes, apparently satisfied, and started a new line of questioning. "How far do you live from a car line?" he asked suddenly.

"About two blocks."

"Is there a store near where you live, and who keeps it?"

"Mrs. Smith keeps a store near my home."

"What time did Miss Mary leave home that Saturday morning?"

"About a quarter to 12," the mother replied.

"Do you know whether she started out to walk or to catch a car to town?"

"I think she caught a car; she always did."

"Do you know a boy named Epps?" asked Mr. Rosser, referring to the little newsboy later put on the stand.

"Yes."

"Was he a friend of Miss Mary's?"

"Yes, to a certain extent he was," she answered.

"Did you not talk to a certain gentleman on May 13?" began Mr. Rosser.

Objection by Solicitor.

"Your honor," interrupted the solicitor, "I object to that as improper. He must give the name of the person and the place where she talked to him."

"I'm trying to find out the relations between Mary Phagan and George Epps," replied Mr. Rosser.

"Well, what this lady said to a certain gentleman is immaterial to this case, unless the defense wishes to impeach this witness and then they must give in detail the time and place of the conversation as well as the person with whom she talked."

"I'm not trying to impeach the witness, your honor," replied Mr. Rosser.

"Isn't it true Miss Mary told you she detected the Epps boy?" he continued, quickly addressing the witness.

"Immaterial," objected Mr. Dorsey.

"What someone said to her about someone else won't tell us who killed Mary Phagan," said Mr. Dorsey.

The attorney, Mr. Rosser, did something that he rarely ever does; he withdrew his question without a fight on it, and put it in another way to the mother.

"Didn't you tell L. P. Whitfield on May 2, that Mary Phagan detected the Epps boy," said the attorney, apparently trying to show that Mary Phagan's dislike was so strong for the child that she would never have gone to town with him and promised to meet him at the Elkin drug store to see the parade, as the lad had declared previously and as he later told on the stand.

Solicitor Dorsey again objected and Mr. Rosser agreed to withdraw the question with the provision that he could bring Mrs. Coleman back to the stand later should he think it necessary to prove this.

Solicitor Dorsey then had the mother state to the jury that the clothes exhibited were those of Mary Phagan. Mrs. Coleman then was allowed to leave

the stand, and she left the court room, as she was "under the rule" and required to remain out of court while other witnesses were testifying.

Epps Boy on the Stand.

George Epps was brought in. The lad was barefooted and in two senses of the word bareheaded. He crumpled a ragged cap in his hand and not a hair showed upon his head. The little boy's head was as cleanly shaven as though a barber had passed a razor across it that very day.

The lad, who looked nervous and who had previously told a reporter that this was his first time in a courtroom, went to the stand in a series of rapid strides and quick jumps.

"I'd be away from here now," he had previously told the reporter; "if there weren't so many policemen round here."

The determined way in which he answered all questions and the sureness of his bearing and quickness of his replies caused laughter in the courtroom.

He was asked the usual questions about his age and residence and knowledge of Mary Phagan.

"When did you last see the girl alive?" asked the solicitor.

"When she left me at Forsyth and Marietta streets about seven minutes after 12," he replied.

"She got on the English avenue car 1 was on at ten minutes before 12," he told, "and she said she was going to the factory to get her money. She promised to meet me at Elkin's drug store to see the Memorial day parade with me, and I was there and stayed there until 4 o'clock and then went to the ball game when she failed to show up."

Question Withdrawn by State.

"What did she say to you while on the car in reference to L. M. Frank?" asked the solicitor.

Here came a prompt objection from the defense, Attorney Rosser leaping to his feet and declaring the question improper.

"Well, I withdraw it, then," agreed the solicitor, who, without another question, turned the lad over to the defense.

It was while being cross-examined by the defense that the lad showed the quick wit he possesses.

"How did you know hat time it was when Mary Phagan joined you going downtown that morning?" asked Mr. Rosser.

"I looked at a clock just before I took the car," he replied.

"You didn't say anything about a clock when you testified before the coroner's jury," objected Mr. Rosser.

"Nope, but I looked at one that time just the same," flashed back the young witness.

"How did you know what time it was when Miss Mary left you?" asked Mr. Rosser.

"I estimated it from the time she got on the car, and I told it by the sun," answered the lad. "I can tell time by the sun," he continued, as though proud of that achievement.

"You can tell the time to within seven minutes by the sun, then?" said the lawyer, apparently trying to confuse the young witness.

"Yes, sir, I can," came back in a childish trouble, but in a manner that showed complete self-confidence.

End Positive in Statements.

The lawyer then left out further remarks in regard to the lad's gift in

regard to telling time without any of the modern mechanical means, and took up another phase.

"Did Mary get off the car with you?" he asked.

"Yes, sir."

"Certain of that, are you?"

"Yes, sir," the lad replied.

"You are sure she got off the car with you at Forsyth and Marietta?"

"Yes, sir; she and me got off there, and she went across the bridge toward the pencil factory and I went under the bridge to get some papers to sell."

"You went to sell your papers then?"

"Yes, sir; I thought I could sell them by 3 o'clock and meet her as she had agreed with me to do."

"Had you sold out by 4 o'clock?"

"No, sir, I finished sellin' out at the ball grounds."

"What time was it when you finished selling your papers?"

"I don't know, sir."

"Couldn't you tell by the sun?" came the tantalizing question.

"No, sir, the sun had went down by that time," the boy replied.

The positive way in which little Epps replied, and the stress upon the "had went" caused a general ripple of laughter.

The lad was then allowed to leave the stand.

Newt Lee Calm on Stand.

Newt Lee followed the Epps boy. He had been waiting in the prisoners' room throughout the day. There was a characteristic calmness about him, and he answered all questions readily.

Attorney Rosser subjected him to a rigorous grilling, under which the negro stood up bravely. At times, his quaint dialect and gestures sent a wave of titers over the court room. He told a graphic story of discovering the body, and was kept on the stand for fully two hours. The trial adjourned while he was testifying. His testimony will be resumed this morning.

Lee was questioned first by Solicitor Dorsey.

"Now, how long have you been night watchman at the National Pencil factory on Forsyth street?"

"Three weeks."

"Ever watch before at the other plant?"

"Yes, sir."

"What instructions did Mr. Frank give you when you began work on Forsyth street?"

"He carried me around the building and told me to report for work at 5 o'clock on Saturdays and at 6 o'clock on other days."

Tells of Talk With Frank.

"Did you talk with Frank on Friday, April 26?"

"Yes. He told me to come at 4 o'clock on the next day, which was a holiday; so he could get off earlier than usual."

"What time did you arrive at the factory on the 26th of April?"

"A few minutes until 4 o'clock."

"What was the condition of the Forsyth street door?"

"It seemed locked, and I got my keys out of my pocket. When I pushed on

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It a second time, though, it came open."
"Did this door, on previous Saturdays, seem locked or unlocked?"
"Unlocked."
"Was the door on the stairway leading to the second floor locked or unlocked?"
"Locked."
"When you appeared at the factory to report on afternoons, what did you generally do upon going up to the second floor where Mr. Frank's office is situated?"
"Say, 'Howdy, Mr. Frank.' He usually called, 'Hello, Newt,' and if he wants anything he calls me into his office."
Told to Leave Factory.
"What did he do when you went to the second floor on Saturday, the 26th?"
"He came to the door, rubbing his hands and saying he was sorry I had come so early. I told him I needed sleep, and was sorry, too. He said go out in town and have a good time, because I needed it. I told him again that I needed sleep, and he said I needed a good time."
"Could you have slept in the factory?"
"Yes, sir. In the packing room."
"When did Frank say come back to work?"
"He said for me not to be gone more than an hour and a half."
"What did you then do?"
"Offered him some bananas I had and went on out."
"How long did you stay away?"
"Until four minutes until 6, when I went back to the factory."
"How were the doors when you returned?"
"Just like I had left them."
Told Not to Punch.
"What did Frank say when you came back?"
"I went to the door, told him I was back, and he asked me what time was it. I told him it was 6 o'clock, and he said, 'Don't punch the clock yet, that there were some workmen upstairs.'"
"What did he then do?"
"Put in a slip for the time clock."
"Did Frank ever mention Gantt to you?"
"Yes, sir."
"Did you see Gantt that afternoon?"
"Yes, sir. I saw him downstairs a little after 6 o'clock. He came across the street from a saloon, and told me he had left a pair of shoes in the factory and that he wanted to get them. I told him Mr. Frank was upstairs, and if he'd go ask Mr. Frank he could get in the building. He said, 'No, he didn't want to do that.' About that time Mr. Frank came downstairs unexpectedly. When he saw Gantt he jumped back a little frightened."
"What conversation ensued?"

Found Two Pairs of Shoes.
"Gantt said 'Howdy do, Mr. Frank,' and Frank said 'Howdy do, Mr. Gantt.' Mr. Gantt said he had left a pair of shoes in the place, and Mr. Frank said he had seen the boy sweep out a pair of shoes a short time back. He said they were tan shoes. Mr. Gantt said he had left a pair of black ones, too. Mr. Frank dropped his head a minute and said for me to go in with Mr. Gantt to get his shoes. We went into the shipping room and found both a pair of black shoes and a pair of tan."
"Were they Gantt's?"
"I reckon so; he took 'em."
"Did they have swept out?"
"Didn't look like it."
"Did you see Mr. Frank any more that night?"
"No, sir."
"Did he telephone you?"
"Yes, sir."
"Had he ever done it before?"
"No, sir."
"What time did he phone?"
"Phoned Home After Leaving."
"About 7 o'clock, about an hour after he had left."
"What did he say?"
"He said: 'Is that you, Newt?' I told him yes, and he said: 'This is

Mr. Frank. How is everything?' I told him that everything was all right so far as I knew."
"Were there any lights on the first floor?"
"Yes, sir. One light as you come into the building."
"At this juncture a diagram was shown of the pencil factory building. Newt explained the position of the light to which he referred, which was near the Forsyth street entrance."
"Mr. Frank said, 'Keep this light burning,' the negro stated, 'because it won't cost but a few cents.'"
"Did you always light this light?"
"Somebody else lighted it during week days, and I lighted it on Saturdays."
"Was there a light in the basement?"
"Yes, sir. Mr. Frank said keep that light burning all the time."
"Was it burning Saturday morning when you left the pencil factory?"
"Yes, sir."
"Was it burning Saturday afternoon?"
"Did you ever see a lightning bug? It looked just like one Saturday evening, just a tiny little light. That morning I had left it burning bright."
"What are Frank's instructions as to your rounds?"
Two Rounds an Hour.
"To make them every hour and every half hour—on the hour and on the half."
"Did you make your clock punches regularly on the night of April 26?"
"Yes, sir."
"In all your time with the factory, did you ever fail to make punches accurately?"
"Never."
"Up to 3 a. m., did anything happen out of the ordinary?"
"At 3 o'clock I went to the basement to the closet and discovered the body. When I went to the toilet, I looked

around toward the back door, and picked up my lantern, and saw something in the corner. I thought that, as it was a holiday, some devilish boys were trying to play a joke on me. When I saw what it was, though, I got out of there."
Negro Got Out Quick.
"How did you get up the ladder?"
"I don't know, sir, but I got up there."
"What happened then?"
"I called police station and tried to get Mr. Frank, but couldn't."
"This body was a girl, wasn't it?"
"I don't know, sir."
"When did you see Frank?"
"When they took me back to the pencil factory from the station house."
"What time was it then?"
"I don't know—about 7 or 8 o'clock, though."
"Where was he when you saw him?"
"Coming in the office where they had me."
"How did he look at you?"
"He looked at me and at the door, dropped his head and didn't say anything. Mr. Darley, who was in the office, said: 'Too bad, Newt. I don't believe you did it, but I think you know something about it.'"
"Was any examination made of the time lock?"
"Yes, sir."
"Did anybody say anything about the clock being punched?"
"Mr. Frank opened it and said the punches were all right."
"What did he mean by 'all right'?"
"An objection was made to this question by Mr. Rosser, but was overruled."
"Meant it was correct," Lee went on, "because—punches every half hour, beginning at 6 p. m. and ending at 3 a. m."
"After Frank left you in the office that morning, when did you again see him?"
"He went back to the station house with me in the automobile."
"Did he say anything?"
"No, sir."
"Did you see him any more?"
Lee and Frank Meet.
"Yes, sir. Some night soon after I was arrested they came to my cell and said they were going to let me and Mr. Frank have it out. I didn't know whether they wanted us to fight, or what. They put me in a room by myself, handcuffed to a chair, and brought Mr. Frank in. He looked at me and dropped his head. We were alone. When he looked up, I said: 'Mr. Frank, it's mighty hard for me to be handcuffed to this chair for something I didn't do.' He said: 'What's the difference. They've got a man guarding me.' He also said he didn't believe I killed the girl, but said he thought I knew something about it. I told him I only discovered the body. He said: 'Yes, and if you keep that up, we'll both go to hell.' The detectives came in at that time."
"When Mr. Frank asked you on Friday, the 25th, to come at 1 o'clock the next Saturday, did you object?"
"Yes, sir; but I agreed to come."

Defense Taken Witness.
At this point the state yielded the witness to the defense. Attorney Rosser became the questioner.
"You testified before the coroner's inquest, did you not?"
"I testified before something down at the station house."
"How many times have you made this statement of yours before Mr. Dorsey?"
"Once."
"How many times have you made it before Mr. Black?"
"I don't know Mr. Black, to remember him."
"How many times before any detectives?"
"I don't know, sir; there were so many blim-blaming at me so much that I couldn't keep account."
"Is your mind as fresh now as it was months ago?"
"Well, when anybody remembers a thing, they remember it, don't they?"
Sticks to Statement.
"Did you tell about Frank's head being lowered when you came to work that Saturday while you were testifying at the inquest?"
"Yes, sir."

"Are you sure?"
"Yes, sir."
"Honest?"
"Yes, sir."
"Positive?"
"Yes, sir."
"Do you remember the first Saturday you started to work at the pencil factory?"
"Yes, sir."
"What time did you report?"
"Five o'clock."
"Then why did you grumble at having to come back early on the afternoon of the 26th?"
"I didn't grumble."
"Your ordinary Saturday's sleep ends at 12 o'clock, doesn't it?"
"Yes, sir."
"But, on this particular Saturday, you didn't have to get to the factory until 4 o'clock?"
"No, sir."
"Tells Frank 'I'm Here.'"
"When you arrived at the office, what were your very words?"
"All right, Mr. Frank, I'm here."
"What did he do?"
"Came on out of the office—I was standing at the head of the steps."
"About how far apart were you?"
"Lee pointed at Attorney Frank Hooper, associated with Solicitor Dorsey in the prosecution, saying: "About as far from me to that man."
"What, this handsome man here?"
"Mr. Rosser pointed to Mr. Hooper. The latter took the snail with a good-natured smile."
"Were you any further than 14 feet?"
"No, sir."
"Was his head drooping?"
"I didn't notice."
"Isn't it true that before the coroner's inquest you failed to tell about his head drooping?"
"Yes, sir."
"Well, let's see?"
Rosser referred to stenographic notes of Lee's testimony at the inquest. He read to the court: "Frank came out rubbing his hands and met me at the office door, and said Newt, you can go have you some fun."
"Isn't that your statement?" he queried.
"Some of it is, and some ain't."
"What isn't?"
"Have a Good Time."
"That part about 'some fun.' I said he told me to go have a 'good time.'"
"Did you say anything at the inquest about a place to sleep at the plant?"
"No, sir."
"If the front doors to the factory were unlocked, anybody could get into the basement, couldn't they?"
"Yes, sir."
"If the stair door was locked, it would prevent no one from reaching the first floor of basement, would it?"
"It would not."
Doors Were Unlocked.
"When you got back after having gone out and had your 'good time' that afternoon the doors were unlocked and anybody could have gone to any part of the building, eh?"
"Yes, sir."
"Anybody could have gone where they pleased with Mr. Frank in the rear of his office?"
"If he didn't hear them."
"Could he see you Saturday afternoon from where he sat?"
"I couldn't see him."
"On the first Saturday of your duty in the pencil factory, didn't you go all over the building without his knowledge, although he sat in his office?"
"Yes, sir."
"Well, couldn't anybody do the same?"
"I suppose so."
"He didn't know you were there because he was in the inner office, and couldn't hear you?"
"Yes, sir."

Uneasy About Him.
"When Gantt came over you watched him to let him in didn't you? Wasn't Mr. Frank uneasy about him?"
"Yes, sir."
"Mr. Frank and Mr. Gantt had had a difficulty, had they not?"
"I think so."
"Solicitor Dorsey objected to the question because of hearsay evidence. Lee continued."
"Mr. Frank says to me: 'Lee, I discharged Mr. Gantt, and I don't want him around.'"
"That's why he was started when he came downstairs, isn't it?"
"That's what first popped into my mind."
"What did you upon letting Mr. Gantt out to the street?"

"I watched him go across the street into the saloon, then went up and punched the clock."
"Do you know where the body is said to have been found?"
"Yes, sir—in the machine room."
"Did you go into the machine room that night?"
"Every half hour."
All Except Basement.
"You went into every floor of the building every half hour, didn't you?"
"All except the basement."
"Didn't you say at the inquest that you went into the cellar every half hour?"
"No, sir."
"When did you go into it?"
"Every hour."
"Didn't Mr. Frank tell you to go over the entire building every half hour?"
"Yes, sir."
"Mr. Frank, then, thought you went into the basement every half hour?"
No answer came from the witness to this question. He was urged to answer by Solicitor Dorsey. Mr. Rosser retorted that he did not care whether or not the question received a reply.
"Mr. Dorsey insisted upon an answer on the grounds that he did not want questions admitted by silence. Mr. Rosser accused the solicitor of instructing the witness. The examination proceeded.)
"You were given no additional in-

structions that Saturday night?"
"No, sir."
"You were not told to go into the metal room?"
"No, sir."
"Not told to go into the basement?"
"No, sir."
Objection Is Sustained.
"If, however, you had followed original instructions and inspected the basement as you were supposed to inspect it, you would have discovered the body earlier, would you not?"
"Yes, sir."
"Isn't it true that when the police got there it was open?"
"They said it was."
"How long were the police in coming?"
"Eight or ten minutes."
"How close did you get to the door?"
"No closer than the place where the body lay."
"The body was 60 feet distant, wasn't it?"
"About that."
"How did you know the door was closed?"
"I could see outside."
"Do you mean to say you could see through it into the darkness in case it had been open?"
"There is a light that burns in the alley just outside the door."
"Went in at 7 o'clock."
"What time did you first go into the cellar?"
"Seven o'clock."
"How far did you go?"
"Just to the bottom of the ladder."
"Could you see the entire cellar from that point?"
"I could see a fire if there had been one."
"I'm not talking about a fire."
"That was what I was looking for

when I went to the bottom of the ladder."
"You didn't go any further at that time than your Junebug light at the scuttle hole?"
"I didn't say Junebug. I said lightning bug."
"Tell me what made you go on through the basement at 3 o'clock?"
"I went to the closet."
"There are closets on the first, second and third floors, aren't there?"
"Yes, sir."
"Why did you prefer the one in the basement?"
"Because it was the one Mr. Frank ordered me to use."
"As you went to the closet, did you notice the girl's hat, or shoe, or parasol?"
"No, sir."
"Your lantern was dim and sooty, wasn't it?"
"Yes, sir—kinder."
"Here Judge Rann called an end to the afternoon session.)