Arnold Ridicules Plot Alleged by Prosecution And Attacks the Methods Used by Detective

When Attorney Frank A: Hooper had made the opening speech of the prosecution, Attorney Rouben R. Arnold prepared for the first speech of the defense. It had been announced that he would review the entire history of the case and when he started at noon the pasteboard model of the pencil factory was brought in.

A large diagram giving a synopsis of the case was also brought in, but was not unwrapped when Mr. Arnold first started.

"Gentlemen of the jury, we are all to be congratulated that this case is drawing to a close," Mr. Arnold began in a quiet voice as though addressing several friends on an every-

day subject.

"We have all suffered here from trying a long and complicated case at the heated term of the year. It's been a case that has taken so much effort and so much concentration and so much time, and the quarters here are so poor.

ticularly hard on you members of the jury who are practically in custody while the case is going on.

"I know it's hard on a jury to be kept confined this way, but it is necesapart where they will get no impression at home nor on the street. sary that they be segregated and set

"The members of the jury are in a sense set apart on a mountain, where, far removed from the passion and heat of the plain, calmness rules them and they can judge a case on its mor-

Takes Rap at Hooper.
"My friend, Hooper, said a funny thing here a while ago; I don't think he meant what he said, however," Mr. "Mr. Hooper said Arnold then stated. that the men in the jury box are no different from the men on the street.

different from the men on the street.

"Your honor, I'm learning something every day and I certainly learned something today, if that's true," he added, turning to Judge Roan.

"Mr. Arnold evidently mistakes my meaning, which I thought I made clear," interrupted Attorney Frank Hooper. "I stated that the men in the jury box were like they would be on the street in the fact that in making up their minds about the guilt or innoon the street in the fact that in making up their minds about the guilt or innocence of the accused they must use the same common sense that they would if they were not part of the court."

"Well, let's get away from that street idea, entirely," Mr. Arnold fired

back.
The speaker then launched into a description of the horrible crime that had been committed that afternoon or night in the National Penell company's dark basement. He dwelt on the effect of the crime upon the people of Atlanta and of how high feeling ran and still runs, and of the omnipresent dark basement. It when the people of Atlanta and of how high feeling ran and still runs, and of the omnipresent desire for the death of the man who committed the crime.

and still runs, and of the ommipresent desire for the death of the man who committed the crime.

Roasts Motorman Kentey.

"They are fellows like that street car man, Kenley, the one who villified this defendant here and cried for him to be lynched and shouted that he was guilty intil he made himself a nuisance on the cars he ran.

"Why I can hardly realize that a man holding a position as responsible as that of a motorman and a man with certain police powers and the discretion necessary to guide a car through the crowded city streets would give way to passion and prejudice like that.

"It was a type of man like Kenley who said he did not know for sure whether those negroes hanged in Decatur for the shooting of the street car men were guilty, but that he was glad they hung as some negroes ought to be hanged for the crime. He's the same sort of a man who believes that there ought to be a hanging because that innecent little gift was murdered, and who would like to see this Jow here hang, because somebody ought to hang for it.

"I'll tell you right now, if Frank hadn't been a Jew there would never have been any prosecution against him. I'm asking my own people to turn him loose, asking them to do justice to a Jew, and I'm not a Jew, but I would rather die kefore doing injustice to a Jew, "This case has just been built up by degrees; they have a monstrous

Jew.
"This case has just been built up
by degrees; they have a monstrous
perjurer here in the form of this Jim
Conley sgainst Frank. You know
what sort of a man Conley is, and
you know that up to the time the Contey sgainst Frank. You know what sort of a man Contey is, and you know that up to the time the murder was committed no one ever heard a word against Frank.

"Villiany like this charged to him does not crop out in a day. There are long mutterings of it for years before. There are only a few who have ever said anything against Frank t want to call your attention

have ever said anything against Frank. I want to call your attention later to the class of their witnesses and the class of ours. A few floaters around the factory, out of the hundreds who have worked there in the plant three or four years, have been induced to come up here and swear that Frank has not a good character, but the decent employees down there have sworn to his good character. Look at the jail birds they brought up here, the very dregs of humanity, men and women who have discreted. brought up here, the jail birds they brought up here, the very dregs of humanity, men and women who have disgraced themselves and who now have come and tried to swear away the life of an innocent man.

"To Strip State's Cinc Bare,
"I know that you members in the life of the life of

"I know that you members of the jury are impartial. That's the only reason why you are here and I'm going to strip the state's case bare for you, if I have the strength to last to

do n. "They

"They have got to show Frankl gullty of one thing before you can convict him; they've got to show that he is guilty of the murder, no matter what else they show about him. You are trying him solely for the murder and there must be no chance that anyone else could just as likely be guilty.

guilty,
"If the jury sees that there is just
as good a chance that Conley can be
guilty then they must turn Frank
loose."

"Now you can see how in this case the detectives were put to it to blame the crime on somebody. First it was then and then it was thant and various people came in and declared they had seen the girl alive pate Saturday

night and at other times and no one knew what to do."

Lee Has Not Told All.

Well, suspicion turned away from Gantt and in a little while it turned away from Lee. Now I don't believe that Newt is guilty of the crime, but

that Newt is guilty of the crime, but I do believe that he knows a lot more about the crime than he told. He knows about those letters and he found that body a lot sooner than he said he did.

"Oh, well, the whole case is a mystery, a deep mystery, but there is one thing pretty plain, and that is that whoever wrote those notes committed the crime. Those notes certainly had some connection with the murder, and whoever wrote those notes committed the crime.

the crime.
"Well, they put Newt Lee through
the third degree and the fourth degee and maybe a few others. That's the way, you know, they got this af-fidavit from the poor negro woman, Minola McKnight. Why, just the othnight from the poor negro woman, Minola McKnight. Why, just the other day the supreme court handed down a decision in which it referred to the third degree methods of the police and detectives in words that burned."

Here the attorney read the decision which attacked alleged third degree methods.

gree methods.

"Well, they used those methods with Jim Conley. My friend Hooper said nothing held Conley to the witness chair here but the truth, but I tell you that the fear of a broken neck held him there. I think this decision about the third degree was handed down with Conley's case in mind. I'm going to show this Conley business up before I get through. before I get through.

Charges "Frame-Up."

"I'm going to show that this entire case is the greatest frame-up in the history of the state."

Here court adjourned for lunch.
"My friend Hooper remarked some-

thing about circumstantial evidence and how powerful it frequently was. He forgot to say that the circumstances, in every case, must invariably be proved by witnesses.

"History contains a long record of circumstantial evidence and I once had a book on the subject which dwelt on such cases, most all of which sickens the man who reads them. Horhave been made by cirrible mistakes cumstantial evidence-more so than by

uny other kind.

Here Mr. Arnold cited the Durant case in San Francisco, the Hampton case in England, and the Dreyfus caso in France as instances of mistakes of circumstantial evidence. In the tances of mistakes evidence. In the of circumstantial evidence. In the Dreyfus case he declared it was purely persecution of the Jow.

The hideousness of the murder itself was not as savage, he asserted, as the feeling to convict this man.

"But the savagery and venom is there, just the savagery and venom is there, just the same, and it is a case very much on the order of Dreyfus.

Attack's Honney's Position.

Attack's Hooper's Position.

"Hooper says 'Suppose Frank didn't kill the girl and Jim Conley did, wasn't it Frank's duty to protect her? He was taking the position that if Jim went back there and killed her. Frank could not help but know about the murder. Which position, I think, is cutter about

murder. Which position, I think, is quite absurd.

"Take this hypothesis, then, of Mr. Hooper's. If Jim saw the girl go up and went back and killed her, would he have taken the body down the elevator at that time? Wouldn't he have waited until Frank and White and Donham and Mrs. White and all others were out of the building? I think so. But there's not a possibility of the girl having been killed on the second floor. "Hooper smells a plot, and says Frank has his eye on the little girl why was killed. The crime isn't an act of a

was killed. The crime isn't an act of a civilized man—it's the crime of a cannibal, a man-cater. Hooper is hardnessed and wants to get up a plot—he sees he has to get up something. He forms his plot from Jim Conley's

They say that on Friday Frank knew he was going to make an attack of some sort on Mary Phagan. The plot thickens. Of all the wild things I have ever heard that is the wildest. It is ridiculous. Mary Phagan worked in the pencil factory for months, and all the evidence they have produced that Frank ever associated with her—ever knew her—is the story of weasley little Willie Turner, who can't even describe the little girl who was killed. "A little further on in his story Jim is beginning the plot. They used him to corroborate everything as they advised. Jim is laying the foundation for the plot. What is it—this plot?

Hidiculous Alleged Plot.

"Only that on Friday Frank was planning to commit some kind of assault upon Mary Phagan.

"Jim was their tool. Even Scott swears that when he told Jim that Jim's story didn't fit, Jim very obligingly adapted it to suit his defense. He was scrupulous about things like that. He was quite considerate. Certainly. He was quite considerate. Certainly. He had his own neek to save. "Ilm undertook to show that Frank

"Ilm undertook to show that Frank had an engagement with some woman at the pencil factory that Saturday morning. There is no pretense that another woman is mixed up in the case. No one would argue that he planned to meet and assault this innocent little girl who was killed.
"Who but God would know whether she was coming for her pay that Friday afternoon or the next Saturday?

day afternoon or the next Saturday? Are we stark idiots? Can't we divine some things?

Are we stark idiots? Can't we divine some things?

"They's got a girl named Ferguson, who says she went for Mary Phagan's nay on the Friday before she was klided, and that Frank wouldn't give it to her. It is the wildest theory on earth, and it fits nothing. It is a strained conspiracy. Frank, to show you I am correct, had nothing whatever to do with paying off on Friday. Schiff did tail.

"And little Magnolia Kennedy, lielen Ferguson's best friend, says she was with Holen when Holen went to draw her pay, and that Helen never said a word about Mary's chvelope.

"There's your conspiracy, with Jim Conley's story as its foundation. It's too thin. It's preposterous.

"Then my friend Hooper says Frank discharged Cantt because he saw Gantt talking to Mary Phagan. If you convicted men on such distorted evidence as this, why you'd be hanging men perpetually. Gantt, in the first place, doesn't come into this case in any good light. It is ridicuously absurd to bring

his discharge into this plot of the de-

Why, even Grace Hicks, who worked with Mary Phagan, and who is a sister-in-law of Boots Rogers, says that Frank did not know the little girl.

Defends Factory Conditions.

"Hooper also says that bad things are going on in the pencil factory, and that it is natural for men to east about for girls in such environments, are not trying this case on wheti you or I or Frank had been perfect the past. This is a case of mard aments. on whether on perfect in past. This is a case of murder, him who is without sin cast the first stone.

first stone.

"I say this much, and that is that there has been as little evidence of such conditions in this plant as any other of its kind you can find in the city. They have produced some, of course, but it is an easy matter to locate some ten or twelve disgruntled ex-employees who are vengeful enough to swear against their former superintendent, even though they don't know tendent, even though they don' him except by sight. "I want to ask this much. even though they don't know

"I want to ask this much. Colliding this concern if he had been as loose morally as the state has striven to show? If he had carried on with the girls of the place as my friends allegel, wouldn't entire working force have been demoralized, ruined? He may have looked into this dressing rough. wouldn't entire working to the have been demoralized, ruined? He may have looked into this dressing room, as the little Jackson girl says, but, of he did, it was done to see that the he did, it was done girls weren't loitering. "There were no lavatories, no tollets, no baths in these dressing rooms. The girls only changed their top garments. He wouldn't have seen much if he had

He wouldn't have seen much if he had peered into the place. You can go to Pledmont park any day and see girls and women with a whole lot less on their person. And to the shows any night you can see the actresses with almost nothing on.

"Everything brought against Frank was some act he did openly and in brond daylight, and an act against which no kick was made.

The Trouble With Hoose.

The Trouble With Hooper.

"The Trouble with Hooper is that he sees a bear in every bush. He sees a plot in this because Frank told Jim Conley to come back Saturday morning. The office that day was filled with persons throughout the day. How could be know when Mary Phagan was coming or how many persons would be in the place when she ar-

rived?

"This crime is the hideous act of a negro who would ravish a ten-year-old girl the same as he would ravish a woman of years. It isn't a white man's crime. It's the crime of a beast—a low, savage beast!

"Now, back to the case: There is an explorer in the pencil factory by the name of Barrett—I cail him Christopher Columbus Barrett purely for his penchant for finding things. Mr. Barrett discovered the blood spots in the place where Chief Beavers, Chief Lanford and Mr. Black and Mr. Starnes had searched on the Sunday of the discovery. discovery.

"They found nothing of the sort. Barrett discovered the stains after he had proclaimed to the whole secont floor that he was going to get the \$4,000 roward if Mr. Frank was convicted. Now, you talk about plants! **JOUD FOWART II MIT. FTANK WAS CON-victed. Now, you talk about plants! If this doesn't look mighty funny that a man expecting a reward would fin-blood spots in a place that has been scoured by detectives, I don't know what does

"Four chips of this flooring were chiseled from this flooring where these spots were found. The floor was an inch deep in dirt and grease. Vic-tims of accidents had passed by the tims of accidents had passed by the spot with bleeding fingers and hands. If a drop of blood had ever fallen there, a chemist could find it four years later. Their contention is that all the big spots were indiluted blood.

"Yet, let's see how much blood Dr. Claude Smith found on the chips. Prob-ably five corpuscies, that's all, and

ing and primping their hair. It's very probable that strands of bair have been blown from this jet to the lath-

ing machine.

The state not only has get no case,

"The state not only has got no case, sentlemen, but they've got the clumisted, ill-litting botch I've ever seen.

"The detectives any that Frank is a crafty, cunning criminal, when deep down in their heart of hearts they know good and well that their case is built against him purely because he was honest enough a admit having seen her that day. Had he been a criminal, he never would have told about seeing her and would have replaced her envelope in the desk, saying she had never called for her pay.

Befends Character of Women. I believe that a majority of the omen are good. The state lumped on poor Dalsy Hopkins. I don't contend, now, mind you, that she is a paragon of virtue. But there are men who were put up by the state who are no better than she. For instance, this Dalton, who says openly that he went

batton a Bar and we did it. Now, gen-tlemen, don't you think the prosecution is hard-pressed when they put up such a character as Dalton? They say he has reformed. A man with thievery in his soul never reforms. Drunkards do and men with bad habits, but thleves? Not

"Would you - convict a man like Frank or the word of a pervert like

Now, I'm coming back to Jim Conley. The whole case centers around him. Mr. Hooper argued well on that part. At the outset of the case, the suspleton pointed to Frank merely because he was the only man in the was a blunt tie—a He in its inciplency. Bothling. It never cropped out for weeks that anyone was on the first. This was untrue and unreasonable, and he saw it. Frank could not have

"The detectives put their efforts on Frank because he admitted having reen the girl. They have let their reen the girl. They have let their zent run away with them in this case, and it is tragic. They are proud whenever they get a prisoner who will tell something on anybody. The humbler the victim the worke is the case. Such

the victim the works is the case. Such evidence comes with the stamp of untruth on its face.

"Jim Contey was telling his story to save his need, and the detectives were happy listeners. If there is one thing for which a negro is capable it is for telling a story in detail. It the some with children fact, here is the same with chibiren. Both have vivid imaginations. And a negro is

that's what he testified here at the also the best million to the world.

It is any recollection is that one can initiate anybody.

Single drop of blood contains 3,900 corpuscles. And, he found these corpuscles on only one chip.

"I say that half of the blood had been on the floor two or three years. The stain on all chips but one were not blood. Dorsey's own doctors have bloody shirt in our fice. It was found the statement of Leo M. Bloody of Lies.

"Now Brother Hoopey waves the bloody shirt in our fice. It was found the statement of Leo M. Brother Hoopey had so the same.

"Now Brother Hoopey waves the bloody shirt in our fice. It was found the statement of Leo M. Brother Hoopey waves the bloody of Lies.

"Now Brother Hoopey waves the bloody shirt in our fice. It was found the statement of Leo M. Brother Hoopey waves the bloody shirt in our fice. It was found the statement of Leo M. Brother Hoopey waves the bloody of Lies.

While Detectives like and Scott were

"Now Brother Moore waves the gainst the statement of Lee M put him where he can't wrigsje—his own evidence hampers him.

"They found blood spots on a certain apot and then had dim adapt his story accordingly. They had him put the Body near the blood spots, and had him drop it right where the spots were 'ound.

"It stands to reason that if a girl had been wounded on the lathing machine, there would have been blood in the vicinity of the machine. Yet, there was no blood in that place and neither was there any where the body was said to have been found by Comiety. "A Cheap, Common Plant,"

"And, the hasceline that the could write. Why did he deny it; was post of blood and had have been found by Company to the floor as a cheap, common plant to make a numpus over. It was put on the floor as a cheap, common plant to make it appear as though plant to make it appear as though plant to make it have been blood by the great the power of the contract of the could write, when they found he could, and make the three in an effort of the blood spots. The two spots of blood and the strands of hair sare the only evidence that the prosecution has that the girl was killed on the second floor.

"Now, about these strands of hair, Barrett, the explorer, says he found of our on. They're never been produced. I've never seen them, But it's probable, for, just beyond the lathing machine. I don't know whether he offers a gas a say is tured. The produced in a gas a say is tured to the part of the plant of the world of the hard ward of plant to make the blood in from the window, is a gas jet used by the girls in curi-ing machine, right in the path of a draft that blows in from the window, is a gas jet used by the girls in curi-ing machine, right in the path of a draft that blows in from the window, is a gas jet used by the girls in curi-ing machine, right in the path of a draft that blows in from the window, is a gas jet used by the girls in curi-ing a gas jet used by the girls in curi-ing a gas jet used by the girls in curi-ing a gas jet u

It's statement, Arnold pointed out the use have of words, which he declared no negro ath- would naturally have used. These were long words, with many syllables In them.

"They said that Conley used so much detail in his statements that he could not have been lying!" exclaimed

could not have been lying!" exclaimed Arnold.

Arnold then read parts of statements which Conley had repudiated as willful lies, and pointed out the wealth of detail with which they were filled.

And the do? He says that he was watching for Frank!

"My God, wasn't he a watchmant the said that he heard Frank and Mary Phagan walking upstgirs, and that he heard Mary Phagan scream, and that immediately after hearing the scream filled. filled. he let Monteen Stover into the build-ing!
"Why, they even have him saying

"And yet they say he couldn't fabricato-so much detail! Oh, he is smart!"

cried Arnold.
/ He then took up the reading of the statement of May 24, in which Conley admitted writing the notes. In this he showed three different times at which Conley stated he wrote the notes, these being early in the morning, at 12:04 and at 3 p. m.

Once more Arnold sought to show that the statements were not good.

that the statements were not gen-uinely Contey's, "Take the word 'ne-gro," he said, "The first word that better than some better than some particular that he went into the pasement with Dalsy. I don't believe he ever did, but, in such if case, he slipped in. There are some fallen women who can tell the truth. They have characteristics like all other types.

"We put her on the stand to prove the word 'negros,' but that Frank did not want the 's' on it and told him to ruth it out, which he did. Then he to rub it out, which he did. Then he says that he wrote the word over."

Arnold then read rapidly the parts of the statement referring to smoking in the factory with Frank when It was against the rules, taking the Conley's Lies About the Notes.

"Look at the notes," he said. was treed about those notes and he had to tell a lie and put upon someone the burden of Instructing him to

write them.
"The first statement about them known anything of an intended mur-der on Friday from any viewpoint you might take, and therefore he could not have made Conley write them on Friday.

"Ah, gentlemen of the jury, I tell you these people had a great find when they got this admission from Conloy!" Arnold cried surcustically.

"If Conley had stayed over there in the Tower with Uncle Wheeler Manlong ago. There's where he should have stayed, with Wheeler Mangum. Says Dorsey Made Mistake.

"My good friend, Dorsey, is all would say, Put right, I like him. But he should not he'll drip lye!" "He was try! detectives. There's where he went

"My good old friend Charlie Hill would not have done that. He would have let the nigger stay in the jail

"I like Dorsey. He simply made a mistake by folding in the hunt, in becoming a part of the chase. The solicitor should be little short of as fair as the judge himself. But he's young and lacks the experience. He will probably know better in the future.

"Dorsey did this: He went to the judge and got the nigger moved from the fall to the police station.

"The judge simply said, 'Whatever you say is all right."

"Now, I'm going to show you how John Black got the statement of Contey changed. I am going to give you a one approaching and Mr. Frank cried out, 'Gee! Here come Corinthia Hall shut him up in a wardrobe until they loft. According to Confey they came into the factory between 12 and 1 o'clock, when, as a matter of fact, we know that they came between 11

and 12.
"And as for his being able to fabri-

that's what he testified here at the also the best mimic in the world. He demonstration, I have learned some word that Conley has said-feathers and all, and you've got to believe nene of it. How are you going to pick out things in this case about getting eviof such a pack of lies as these what you will believe and what you will not? Yet this is what the prosecution has based the case upon. If this fails, all

> "And do you remember about the watch, where Couley said that frank seen all of them enter, asked him, 'Why do you want to buy a watch for your wife? My big, fat wife wanted me to buy her an automabile, but I wouldn't do it!'
>
> "It was, 'Here, Couley, swear that "Do you believe that, gentlemen of

the jury?
"I tell you that they have mistreated they have have this poor woman terribly. They have instructed that she would not come to the tower to see Frank—had desorted the tower to see Frank—had desorted him. When we know that she stayed away from the fall at Frank's own re-quest, because he did not want to sub-mit her to the humiliation of seeing him locked up and to the vulgar gaze of the morbid and to the cameras of the newspaper men. The mort awful thing in the whole case is the way this family ... as been mistreated! The way they invaded Frank's home and man-

ipulated his servants. Are Not Representative.

I deny that the people who did this are representative of the 175,000 people of Fulton county! We are a fair people and we are a chivalrous people. Such acts as these are not in our na

Arnold reached the end of the state. ment where Conley changed the time of the writing of the notes to Sat-

urday,
"That is where he changed the time day, but denied knowledge of the mur

der.
"That, of course, did not satisfy these gentlemen and they went back to him. They knew he was dedging incrimination. So they had him to "I know why he wouldn't admit being in that building on Saturday. He had guilt on his soul, and he didn't want it to be known that he was here on Saturday. That's why!

"When they planed him down what did he do? He says that he was watching for Frank! change the statement again, "Let me read Scott's statement about

"I know why he wouldn't admit be-

that he watched for Frank, when an-other concern was using the very

floor space in which Frank's office

was located, and you know they wouldn't submit to anything like that.

"Look again! He says that Mv. Frank said, 'Jim, can you write?' What a He!

"He admitted that he had been writing for Frank for two years. It's

girl, but I believe he discovered the

body some time before he notified the police. Newt's a good nigger."

Arnold once more read the notes and commented upon Conley's spelling of the word "negros" and afterwards

"Trank said he wanted the 's' rub-

bed out,' quoted Arnold. 'I rubbed it out.' Frank said, 'That's all right, old boy, and slapped me on the back.'"

Over this picture Arnold had much

Afterney Laughs, Aloud,

Arnold then read from Conloy's statement the description of the congenial manner in which Frank had Conley to sit down and asked him to

have a cigarette, and of the pompous, manner in which Conley took the cigarette and smoked it. Arnold laughed loudly as he read this. He

described comically how Frank must have looked when he looked up at the celling and said, 'Why should I hung?

I have rich relatives in Brooklyn.'
"They say that nigger couldn't lie.

"He was trying to prove an allhi for himself when he said that he was not in the factory on Saturday and told all the things that he did else-

where on that day, But we know that the wretch was lurking in the

was in Frank's office he heard some-

and Emma Clarke!' and that Frank

cate the details of his statement— why, he knew every inch of that building from top to bottom! Hadn't

he been sweeping and cleaning it for

Made Conley Change Story,

ing, he naturally had no trouble in his pantomime after he had formed his

came there and left before Mary

Phagan ever entered the building on

in that statement, and they made Conley change it on the stand. They made him say, 'I thought it was them.' They knew that that story wouldn't fit.

"Do you remember," continued Ar-nold, "How eagerly Conley took the

nold, "How eagerly Conley took the papers from the girls at the factory. And do you remember how for four or five days the papers were full of the fact that Frank's home was in Brooklyn, and that his relatives were reported to be wealthy? Conley didn't have to go far to get material for that statement he put in Frank's mouth.

mouth, "It so happened, though, that Frank

realis did not have rich relatives in Brooklyn. His mothe reestified that his father was in 111 health, and had

but moderate means, and that his sis-ter worked in New York for her liv-

He read from Conley's statement

about what Frank-wanted with the notes, saying that Frank said he want-

ed to send them to relatives in Brook-lyn and show what a smart negro he was, so that he could recommend him

to them for a job.
"Why the nigger hadn't even asked for a job," exclaimed Arnold. "And if

he had, what recommendation would such notes as these have been. Can

you for a moment imagine a man say-ing that he intended to send his moth-

er any such notes as these?"

Here Arnold rond the repulsive con-

"Gentlemen, am I living or dream-ing, that I have to argue such points

as these? This is what you've got to do. You've got to swallow every

tents of one of the notes.

They saw where they were wrong

"With this knowledge of the build-

The miscrable wretch has Frank hiding him in the wardrobe when Emma Clarke came in after the mur-der, when it has been proved that she

a long time?

that day,

factory all of Saturday morning,

rubbing out the letter "s."

how they got the statements from He read the detective's statemen about how he and other detectives had

spent six hours at the time with Con-ley on occasions and used profaulty and worried him to get a confession. "Hooper thinks," continued Arnold, "Hooper thinks," continued Arnold, "that we have to break down Conley's testimony on the stand, but there is ap such ruling. You can't tell when to believe him, he has lied so much." Reading on, he came to the statement that the detectives went over the testimony with Desert

the testimony with Dorsey.
"There," said Arnold, "is where my
Iriend got into it."

Changed the Day, Continuing his reading to show how

the detectives got. Conley to change his statements, he said that they kept grilling Conley for six hours trying to impress on him the fact that Frank would not have written the notes on Friday.

They wanted snother statement."

To convex caem in its jain.

Talks of the Marder.

Mr. Arnold then switched away from that and talked of the murder.

"Gentlemen, right here a little girl was murdered (pointing to the pasted to be under the murder."

Coard model of the National Pencil factory which had been brought into

writing for Frank for two years. Its awful to have to argue about a thing would not have written the notes on like this, gentlemen! You will remember Hooper said. How foolish of Confey to write these notes! How much more foolish, I say, of Frank foods it!

They wanted another statement," the said. "He said insisted that he had no other statement to make, but he did change the time of the writing of the notes from Friday to Saturday. the notes from Friday to Saturday. This shows, gentlemen, as clearly as anything can show how they got Conley's statements.

Lawyers Are Accessories.

"In the statement of May 29 they had nothing from Jim Couloy about his knowledge of the killing of the little girl," Mr. Arnold continued, "and the negro merely said that Frank had the negro merely said that Frank had told him something about the girl having received a fall and about his helping Frank to hide the body.

"Lawyors, who, knowing a person guilty, yet defend him, are guilty of

Over this picture Airconnerment,
"Now, here is what Scott said," continued Arnold, "He said that it took
Conley six minutes to write a part of
one note, Conley said that he wrote
the notes three times," being accessories after the fact,
"Oh, Conley, we are going to have
you tell enough to have you convict
Frank and yet keep yourself clear."
"That's a shart negro, that Conley,
"And recovered to the context of the con

"And you notice how the state 26, the day of the crime, and Mr. Arbringed on him because he stood up noid announced to the jury that he under the cross-examination of Colowould prove by the case that it was not Rosser, well that negro's been well a physical impossibility for Frank to nel Rosser, well that negro's been well versed in law. Scott and Black and versed in him. Scott and Black and Starnes drilled him; they gave him the brond hints.

"Scott says, 'Wo told him what would fit." "In his first statement Confey leaves crime charged to him.

Gentlemen, it there is any one thing that nigger can do it is to lie. As my good old firend, Charlie Hill, would say, Put him in a hopper and

broad and clear.

"We came here to go to trial and knew nothing of the negro's claim to seeing the cord around the little girl's neck, or of his claim of seeing Lom-

neck, or of his claim of seeing Lemnick, or of his claim of seeing Lem-mic Quinn go into the factory, or of a score of other things.

ing Frank, and yet he didn't tell it streets before she got off, all when he said he was telling the McCax Had No We

"And my friend Jim Starnes and my Irigh Iriend, Patrick Campbell, they visited him, and on each visit Conley saw new light. Well, I guess they showed him things and other

"Does Jim tell a thing because it's the truth, gentlemen of the jury, or because it fits into something that another witness has told?
"Scott says, They told him things

that fitted.' "And Conley says they changed things every time he had a visit from Dorsey and the detectives. Are you going to hang a man on that!

"Gentlemen, it's foolish for me to have to argue such a thing.

"The man that wrote those murder notes is the man who killed that girl," said Attorney Arnold suddenly girl," said Attorney Arnold suddenly state's own witness.

"Prove that man was there and that he wrote the notes and you know who killed the girl, Well, Conley acknowl-

dges he wrote the sotes and witnesses have proved he was there and he admits that, too!

Itaving turned suspicion towards the negro the attorney launched into a description of the way in which Con-

description of the way in which Conley might have done the murder.

"That negro was in the building
near the clevator shaft: it took but
two steps for him to grab that little
girl's mesh bag. She probably held
on to it and struggled with him.

"A moment later he had struck her
in the eve and the had fatten.

in the eye and the had fatten. It is the work of a moment for Conley to throw her down the elevator shaft. Would Story Stand Pressure. "lan't it more probable that the

story I have outlined is true than the one that Conley tells on Frank? Supone that Conicy tells on Frank? Sup-pose Couley were now under indict-ment and Frank out, how long would such a story against Frank stand the pressure?

Here Mr. Arnold read from Conloy's

evidence on cross-examination, where he declared that Solicitor Dorsey had visited him seven three and that he had added something new each time. "Mr. Rosser asked Jim on cross-examination why he had not told all the first time that Dorsey went there and the negro said he didn't want to; that he wanted to save some of it back. Who corrected the negro? Did Dor-

soy or Sturnes or Campbell?
"Now, see here," udded Mr. Arnold,

"In the statement of May 29 there ical chart through to the jury, stop- to be a perfect lady with no shadow are any number of things that are plag from time to time to comment on of suspicton against her.

Quinn enter; now he tells of having seen all of them enter.
"Don't you see how they just fitted

"It was, 'Here, Conley, swear that Quinn came up, swear that the dead girl came up and swear that Miss Stover came up; they all did and it's true, swear to it!" "And Conley would say, 'All right,

And to color would say, 'All right, hoss, Ah reckon they did.'

"And it was, 'Conley, how did you fall to hear that girl go luto the might have stepped out for just a moment.

"Oh, my friend, Dorsey," Mr. Arnold there, because by our blood and hair again launched into an attack on his

we have proved she was killed there,' and the poor negro thought a minute and then he said, 'Yes, boss, I heard her go in."

Made Conley Swear.
Attorney Arnold went through the same methods and in the same way declared that the state's representa-tives had put it into the negro's head to swear he heard Frank go in with her and that he heard Frank come ifpoeing out later, and that by that method they made Conley swear that

Conley to swear to this and to swear that, but they made the suggestions and Conley knew whom he had to please. He knew that when he pleased the detectives that the rope knot around his neck grew looser.

Frank was a moral pervert.
"Now, I don't know that they told

"In the same way they made Conley swear about Dalton, and in the same way about Dalton, and in the same way about Dalsy Hopkins. They didn't ask him about the mesh bag. They forgot that until Conley got on the stand. That mesh bug and that pay envelope furnish the true motive for this crime, too, and if the girl was ravished, Conley did it after he had robbed her and thrown her body into the basement.

"Well, they got Conley on the stand and my friend Dorsey here asked Conley about the mesh bag and he said yes, Frank had put it in his safe.

That was the crowning lie of all!
"Well, they've gone on this way,
adding one thing and another thing. They wouldn't let Conley out of jall; they had their own reasons for that and yet I never heard that old mar over there (pointing to the sheriff) called dishonest. He runs his july in a way to protect the innocent and not to convict thom in the fall.

tory, which had been brought into court when he started to speak), and It's a terrible crime."

Mr Arnold then went on to describe in detail the horror of the Phagan tragedy, the crime that stirred Atlants as none other over did.
"We have already got in court the

"We have already got in court the man who wrote those notes and the man who by his own confession was there; the man who robbed her, and gentlemen, why go further in seeking the murderer than the black brute who sat there by the clovator shaft? "The man who sat by that elevator shaft is the man who committed the crime. He was full of passion and lust, he had drunk of mean whisky and he wanted money at first to buy more

he wanted money at first to buy more whisky.
Mr. arnold then asked the sheriff to unwrap a chart which had previously been brought into court. It proved to be a chronological chart of Frank's alleged movements on Saturday, April

have committed the crime.

"Byory, word on that chart is taken from the evidence," stated the pleading attorney, "and it will show you that Frank did not have time to commit the column through the between the column through the between the state of the

himself not an accessory after the fact.

"Oh, Couley's smart enough all and he swere that he and Mary Pharan got to town about seven after twelve right,

"It ain't hard to show how perjury" and then they used other witnesses, comes into this case; the tracks are and my friend Dorsey tried to boot the

Score of other things.

"Yet, Conley was then telling the truth, he said, and he'd thrown Frank aside. Oh he was no longer shield-around with him to Broad and Hunter

all when he said he was telling the whole truth.

"Well, Conicy had a revelation, you know,
"My friend Dorsey visited with him seven times.

Conicy Saw New Light.

"Recay Had No Watch.

"Well, the state put up McCoy, the man who never got his watch out of sonk until about the time he was called as a witness, and they had him swear that he looked at his watch at Walton and Forsyth (and he never had any watch), and it was 12 o clock ex-activ, and then he waiked down the street and saw Mary Phagan on her

way to the factory.
"Now, I don't believe McCoy ever saw Mary Phagan. Epps may have seen her but the state apparently calls him a fla when they introduce other testimony to show a change of time to what he swore to. It's certain those what he swore to. It's cortain those two street car nion who knew the girl, saw her, but the state comes in with the watchless McCoy and Kentey, the Jow-Inter, and try to advance new theories about the time and different ones from what their own witness had sworn to. aworn to.
"Well, we have enough to prove the

time, all right; we have the street car schedule, the statement of Hollis and Mathews and of George Epps, the

to get the body until he left the fac tory? "According to Conter's own stace

"According to Coder's own stacement he started at four minutes to 1 o'clock and got through at 1:30 o'clock, making 34 minutes in all.

"Harlice Branch (here the speaker paid a tribute to the newspaper man monitoned) says that he was there when the detectives made Coding to through with what he claimed took place and that he started then at 1:17 and by Mr. Branch's figures, it took

and by Mr. Branch's figures, it took Conlay 50 minutes to complete the mo-Dlan't Attack Dr. Owen.

"Well, the slate has attacked nearly overybody we have brought into this case, but they didn't attack Dr. William Owen, and he showed by his experiments that Conley could not have gone through those motions in 34 minutes."
Mr. Arnold then read from Jim Con-

ley's evidence on cross-examination where he declared that he started at 4

are any number of things that are not told of which inter were told on it. He paused at where the chart stated the stand.

The paused at where the chart stated that Miss Hattle Hall left the office "In the May 29 statement Conley never | Rt 12:02 o'clock and went on to show "In the May 29 statement Conley never told of seeing Mary Phagan onter; from her evidence how that had been he never told of seeing Monteen settled upon. Then he declared that Stover enter, nor of seeing Lemmie the little Stover girl had entered the Quinn enter; now he tells of having office and left before Mary Phagan did. "Away with your filth and your dir-

ly, shameful evidence of perversion; your low street gossip, and come back to the time-the time-element in the case." Mr. Arnold almost shouted. "Now, I don't believe the little Stover girl ever went into the inner office; she was a sweet innocent, timid little Rirl, and she just peeped into the of-fice from the outer one, and it Frank , was in there, the safe door hid him

moment.
"Oh, my friend, Dorsey," Mr. Arnold again launched into an attack on his brother attorney's methods. "He stops orother attorney's methods. "He stope clocks and he changes schedules, and he even changes a man's whole physical make-up, and he's almost changed the course, of time in an effort to get Frank convicted.

Charges Rotten Evidence. "Oh, I hate to think of little Mary Phagan in this, I hate to think that

such a sweet) pure, good little girl is she was, with never a breath of anything wrong whispered against her, should have her memory poliuted with such rotten evidence against an innocent man.

cent man.

"Well, Mary Phagan entered the factory at approximately 12 minutes after 12," Mr. Arnold continued in a quieter tone, "and did you ever stop to think that it was been been took that the stop to the stop that 12," Mr. Arnold continued in a quieter tone, "and did you ever stop to think that it was Frank who told them that the girl entered the office and when she entered it. It he had killed her he would have just slipped her pay envelope back in the safe and declared that he never saw her that day at all, and then no one could have ever explained how she got into that basement.

"But Frank couldn't know that there was hatred enough lett in this country against his race to bring such

country against his race to bring such

country against his race to bring such a hideous charge against him. "Well, the little girl entered, and she got her pay and asked about the metal and then she left, but there was a black spider waiting down there near the elevator shaft, a great passionate, lustful animal, full of mean whisky and wanting money with which to buy more whishy. He was as full of vile lust as he was of the passion for more whisky, and the negro (and there are a thousand of them in Atlanta who would assault a white woman if they had the chance and knew they wouldn't get caught) white woman if they had the chance and knew they wouldn't get caught) robbed her and struck her and threw her body down the shaft and later he earried it back, and maybe, if she was allye, when he came back he commit-ted a worse crime, and then he put the card around her problem. cord around her neck and left the

hody there. hody there.

"Do you suppose Frank would have gone out at 1:30 o'clock and left that body in the basement and those two men. White and Denham, at work upstairs? Do you suppose an intelligent man like Frank would have risked running that elevator, like Conley says he did, with the rest of the machinery of the factory shut off and nothing to prevent those men up there nothing to prevent those men up there hearing him?

Girl Saw Frank.

"Well, Frank says he left the factory at 1 o'clock and Conley says he left there at 1:30. Now there's a little girl, who tried the week before to get a job as stenographer in Frank's office, who was standing at Whitehall and Alabama streets and saw Frank at ten minutes after 1.
"Did she lie? Well, Dorsey didn't try to show it, and according to Don

try to show it, and according to Dor-sey everybody Hed except Conley and Dalton and Albert McKnight. "This little girl says she knows it was Frank because Professor Bris-coq had Introduced her to him the week before and she knows the time of day because she knows the time of day because she had looked at a clock as she had an engagement to meet another little girl,

"That stamps your Conley story a He blacker than holl!

"Then Mrs. Lovy, she's a Jew, but she's telling the truth; she was looking for her son to come home and she saw Frank get off the car at his home corner and she looked at her clock and saw it was 1:20. Then Mrs. Selig and Mr. Selig swore on the stand that they knew he came in at

"Oh, of course, Dorsey says they are Frank's parents and wretched liars when they say they saw him come in at 1:20,

"There's no one in this case that can tell the truth," shouled the at-torney in a sarcastic tone, "but Conley, Dalton and Albert McKnight.
They are the lowest dregs and jalibirds and all that, but they are the only ones who know how to tell the truth!

"Well, now Albert says he was there at the Sellg home when Frank came in; of course he is lying, for his wife and the Sellgs prove that, but he's the state's witness and he says Frank got there at 1:30 and thus he brands Conley's story about Frank's leaving the factory at 1:30 as a lie.

Saw Frank's Reflection. "Well, along the same lines Albert

says Frank didn't cat and that he was nervous and Albert says he learned all this by looking into a mirror in the dining from and sceing Frank's reflection.

"Then Albert caps the climax fo his series of lies by having Frank board the car for town at Pulliam street and Glenn."

Mr. Arnold then dwelt on the claim of the defense that the affidavit signed by Minola McKnight, the cook for Mr. and Mrs. Emil Selig, was obtained

Mr. and Mrs. Emil Selig, was obtained by "third degree" methods.

"How would you feel, gentlemen of the jury," he asked, "If your cook, who had done no wrong and for whom no warrant had been Issued, and from whom the solicitor had already got a statement, was to be lecked up.

whom the solicitor had already got a statement, was to be locked up.
"Well, they got that wretched hushand of Minola's by means of Craven and Pickett, two men seeking a reward, and then they got Minola, and they said to her: 'Oh. Minola, why don't you tell the truth like Albert's They had no warrant when they locked this woman up. Starnes was guilty of, a crime when he locked that woman up without a warrant, and Dorsey was, too, if he had anything to do with it.

with it.

"Now George Gordon, Minola's lawyer, says that he asked Dorsey about
getting the woman out, and Forsey repiled, 'I'm afraid to give my consent
to turning her loose: I might get in
bad with the detective department.'

"That's the way you men got evidence, was it?" he shouted, pointing to
a group of city detectives who stood
at the table with the state's lawyers."

Then Mit Arnold changed his sub-

where he declared that he started at 4 minutes to 1 o'clock to get the body and that he and Frank left at 1:30.

"If we ever pluned the negro down to anything, we did to that, and we have shown that he could not have done all that in 34 minutes.

"Leaving out the slander and flith hurled at Frank and the statements of those poor little factory girls, dragged Frank had gene into the woman's pressure promythen been and made to swear that his dressing room typen no one was around. Then Mrt Arnold changed his subthe lere and made to swear that his character was bad, there can be no truth in the state's case."

Mr. Arnold branded it a culmination of all lies when this woman was attacked. He said Frank had declared her

Made Out Financial Sheet.

"Well, Frank went on back to the factory that afternoon when he had eaten his lunch and he started in and made out the financial sheet. I don't reckon he could have some that if he had just committed a murder, particularly when the state says he was so nervous the next morning that he shook and trembled.

"Then the state says Frank wouldn't leok at the corpse. But who said he didn't? Nobody. Why, Gheesling and Black didn't swear to that.

"Now, gentlemen," continued the speaker, "I'vo about finished this chapter, and I know it's been long and hard on you and I know it's been hard on me, too; I'm almost broken down, but it means a lot to that man over there (pointing to Frank).

a lot to him, and don't forget that. "This case has been made up of Just two thisgs-prejudice and perjury," Mr Arnold continued, "I've never seen such malice, such personal hatred in all my life and I don't think anyone ever has.
"The crime itself is dreadful, too

horrible to talk about, and God grant that the murderer may be found out, and I think he has. I think we can point to Jim Conley and say there is the man, "But, above all, gentlemen, let's follow the law in this matter. In cirman as long as there's any other po-

sible theory for the crime of which

he is accused, and you can't find Frank guilty if there's a chance that Conley is the murderer. "The state has nothing on which to base their case but Contey, and we've shown Contey a He. Write your verdict of not guilty and your consciences will give your approval. Court then adjourned until 9 o'clock

Friday morning.