COVERS ATLANTA LIKE THE DEW

Thunderstorms tonight or Thursday

VOL. XXXI. NO. 157. ATLANTA, GA., WEDNESDAY EVENING, JULY 30, 1913. LAST EDITION. PRICE 2 CENTS

Defense to Claim Strands of Hair Found Were Not Mary Phagan's

CHARGE BY McADOO AGAINST N. Y. BANKS STIRS WASHINGTON

But the Question Agitating Democrats Is: Can He Produce Proof of Campaign to Depreciate Bonds?

SENATOR OWEN RAPS NATIONAL CITY BANK

Alleges Publicity Campaign Against Currency Reform, and Ridicules Objections to Government Controlling

BY BANDS SUITE.

WASHINGTON, July 30.—The current situation today is surcharged with gremonious discussion, private and public. Secretary McAdoo continues to be the target of southern Republicans, insurgents and bewildered Democrats. The suspicion that he acted without direct documentary proof in charging a conspiracy in New York to depress government bonds still not down. Now the question is: How he is going to get even with it without confounding the issue of currency legislation?

McAdoo is silent. He refused himself to the newspaper men who called at his office today and it was said for him that he would have nothing further to publish until he had had opportunity to examine the pile of correspondence which his statement of Monday night has inspired.

REPUBLICANS EMBOLDENED.

The failure of Mr McAdoo to name names has emboldened the Republicans in their fight against currency legislation. They declare now that they will persist in their plan to prolong the tariff debate in order to stave off the Wilson brand of currency reform. They believe that they put the president in a hole when they called on him for proof of the tariff lobby allegations.

Against the suspicion that Mr. McAdoo acted on information and belief, rather than on information and specific knowledge, is the assertion of friends [illegible] that he knew what he was talking about when he charged the existence of a conspiracy to depress the value of government securities.

WAR PROMISED WARMISH.

One question that has gone unanswered is this: Did the president have any advance information about McAdoo's intention to issue such a statement? None of the administration authorities have said a word by way of enforcing Mr. McAdoo's allegation, and because of this there has been drawn an inference that Mr McAdoo acted solely upon his own responsibility.

Senator Owen elaborated today upon his statement, that the banks would be the first to try to manipulate the federal reserve board, if given control over it. The senator was asked by The Journal if he could cite any recent case where the big New York city banks, or their allies, would seem to have misused their discretionary powers for political or selfish purposes.

SENATOR OWEN TALKS.

"No specific instances?" the senator repeated.

"No. I am not going to be diverted into my present purpose and work, nor be I propose to be drawn into further controversy with these banks or other banks. But I know the National City had crowed and a lot of others in the same crew. I know of how they travel about the country, quietly at work with their publications to create sentiment inimical to the banking and currency bill. Oh, you bet I know them, and I know them well. But I haven't the time to quarrel with them, for I've got a pretty big task on my hands just now."

RAPS THE BANKS.

"You referred to what I said in my statement the other day. If the banks themselves were permitted to control the federal reserve board, the National City bank would head the list in its political activities to control the federal reserve board and would not be moved altogether by altruistic purposes. That's clear enough, isn't it?

"And you've heard what the banks—especially those political banks—have to say, intimating that the federal reserve board would be left in the hands of Wall street politicians, old timber set for a job. What right have they to make any such thing? On what do they base such an assumption. Why, the men who will compose that board will be selected with every twenty-five million dollars and those banks dare to say 'politicians' meaning worthiest men, we are left to infer will be chosen for such positions. That's sheer impudence—nothing less than damned impudence.

"So I conclude by saying that I don't want to be specific instances. It's not necessary."

VENEZUELAN TOWN TAKEN BY CASTRO; GOVERNOR SEIZED

Partisans of Former President Occupy Town of Coro and Make Military Governor Jurado Their Prisoner

CASTRO SAID TO HAVE LANDED ONLY TUESDAY

Political Situation Critical—Colombian Government Announces That It Will Hold Aloof From Broil

(By Associated Press.)

WILLEMSTED, July 30.—Coro, a town in Falcon, Venezuela, has been occupied by partisans of Cipriano Castro and General Leon Jurado, governor of Falcon, has been taken prisoner, according to rumors reaching here.

It was said that Castro landed in Venezuela yesterday.

A number of the former president's followers, including two of his young nephews, recently embarked here today for Coro.

The political situation in Venezuela is regarded as critical. Scores of important persons have been imprisoned.

The last definite news as to the whereabouts of Cipriano Castro, former dictator of Venezuela, was his arrival in Berlin from New York. After he left the German capital he was reported to have reached the Canary islands, whence he disappeared. He later was reported at various times to have been in Key West, in Curacao, and at Panama. Later he was said to be being deported for Colombia, whither his brother, Carmelo, had preceded him.

The political situation in Venezuela has occupied attention for some time, owing to the flight from that country of prominent politicians, some of whom arrived in Curacao and other points in the West Indies, where they took refuge from threatened imprisonment by President Gomez.

Rumors have been current that many shipments of arms have been made to Venezuela for distribution among the Castro partisans, and it was said that Venezuelans had been buying rifles in Europe.

Colombian Government Is Reasoning Neutral

BOGOTA, July 30.—The revolutionary movements in Venezuela and the visits of Castro's followers are reported at various points on the Colombian frontier by adherents of former President Cleveland Castro, are reported by the newspapers here.

The Colombian government is observing complete neutrality.

All News Wants Now Is Freedom and a Hat

Now that Newt Lee has more 'bacon, as he says, "than Mr. Rosser axed him questions," he needs but a hat to complete his physical comfort, but freedom to set his mind at rest.

Newt's only hat is a fur can, which Newt thinks might have made a "purtty Christmas gift when 'twas new, but don't do much for July.

"You see, boss," he explains, "a straw hat isn' naturally looks cool, makes yer feel like you had money in your pocket. But there ain't no use for a cap and it jes' hurt in July.

"Man promised to bring me a hat, but I guess his memory's bad. Leastways I ain't seen anything of the hat. But I certainly is proud of de 'bacon.'"

Since Newt told Tuesday how one chew brought him solace after his cross-examination by Mr. Rosser, and how when he was on the witness stand his thoughts were of "bacon, he has been given all sorts and kinds.

He says when he gets out he may take a day off to catch up on "chewing," and that he would like a nice hat to wear then.

Fire on Steamer

(By Associated Press.)

BALTIMORE, July 30.—A slight fire occurred on board the Mercantile and Miners' steamer Howard, bound from Norfolk to Boston early today, according to wireless advices received at the line's executive offices here.

Joins Atlanta Team

Former college star, who has come to the rooms of the Crackers.

ATTORNEYS WHO ARE BATTLING FOR FRANK

Reuben R. Arnold (left) and Luther Z. Rosser as they left the court house Wednesday for lunch, after two and a half days of the hard fight had elapsed.

GRACE HIX TESTIFIES THAT GIRLS FREQUENTLY COMBED THEIR HAIR OVER MACHINES

Miss Hix Also Testifies That Magnolia Kennedy, Who Worked Near Mary Phagan, Had Hair of the Same Color and Shade—Important Admissions Lay Foundation for Defense's Claim That Murder Was Not Committed in Metal Room

STATE ENDEAVORS TO SHOW FRANK VERY NERVOUS AND DID NOT LOOK ON FACE OF MURDERED GIRL

Attorney Rosser Directs His Questions to Combat Claim of Nervousness—Witness Declares She Never Saw Any Red Paint in the Metal Room—State Claims New Evidence Will Soon Be Given—Trial Will Run Into Second Week

Four distinct features marked the trial of Leo M. Frank Wednesday. One was an admission from Miss Grace Hix that the girls frequently combed their hair over the machines in the metal room of the factory; another was a strenuous effort on the part of the state to prove that Frank was very nervous on the morning of the discovery of little Mary Phagan's body; still another feature was the attempt of the state to show that Frank was reluctant to look upon the dead girl's face in the undertaking parlors, and the fourth was the state's efforts to prove that red paint never had been seen on the floor of the metal room where the state alleges bloody spots were found.

Around each of these points stiff legal tilts occurred. In developing from Miss Hix's testimony the fact that the girls combed their hair in the metal room, Attorney Rosser laid the foundation for a refutation of the theory that Mary Phagan was murdered there.

The state is expected to introduce as evidence several strands of hair found on the handle of a turning lathe in the metal room, presumed to be those of Mary Phagan. Attorney Rosser drew from the Hix girl the admission that Miss Magnolia Kennedy, one of the metal room employees who worked very close to Mary Phagan's machine, had hair almost the same shade as that of the murdered girl.

Evidently as to the nervousness of Frank on the morning of the murder and afterwards, City Detective John Black and W. W. Rogers, who after the body had been found, called at Frank's home in an automobile to bring him to the pencil factory. Upon cross-examination by Attorney Rosser, these two officers were unable to furnish any definite instance of Frank's conduct indicating nervousness, beyond the fact that he walked rapidly, talked hard, found some difficulty in adjusting his collar and drank several times scattered in his desire for a cup of coffee or some [illegible]

[illegible] Rosser, Frank's counsel, [illegible] Black and Rogers, who testified to the effect that the factory grounds were kept in the polishing room. [illegible] a some distance [illegible] metal room. The girl declared that [illegible] the dough [illegible] the metal lathes [illegible] from the polishing room to the metal room, but that she had never observed any red paint on the floor. Attorney Rosser compelled the witness to admit that the floors of the factory were very dirty and badly scuffed and that cocoons, oil the shavings and dirt only two or three days would be necessary to elapse in order to make it impossible to determine the color of a stain of paint which had been dropped upon the floor.

Attorneys in the case are fighting strenuously over every point however insignificant it may seem to the spectators.

Despite the battle of three days, however, no testimony not already in the hands of the public has been presented. The prosecution, nevertheless, promises to produce new and startling evidence before much more progress in the case is made.

The report that J. M. Gantt, who was arrested shortly after the murder and later released, would give sensational evidence to the effect that he saw Frank and Conley together about 1:25 on the day of the tragedy was denied by Gantt. Gantt declared he met a friend of his, Rosser shields, about 1:50 in the afternoon and went to the restaurant opposite the pencil factory, but that he did not see anyone come in or go out of the factory, as he was not nothing.

In effort of the prosecution to develop through the testimony of "Boots" Rogers that Leo M. Frank did not look upon the face of Mary Phagan as she lay in the morgue on the Sunday morning when Frank, accompanied by officers, visited the undertaker's, and an earnestly determined effort of the defense to show that Rogers did not know whether Frank saw the little girl's face or not, was one of the interesting features of the Wednesday morning session. Solicitor Dorsey, jealously, was endeavoring to show that Frank had lost his nerve and that he could not bear the sight of the child's face, and Attorney Rosser contended that efforts were strategically. The witness was stopped several times by each side as he was dismissed by the other and made to go over his testimony.

Another interesting feature was the line of questions directed at Miss Grace Hix, the friend of Mary Phagan, who was first to identify her body. Solicitor Dorsey asked her in considerable detail about a door on the second floor, leading to the third story. This door was near the point where the defense claims the girl was killed. It was never figured in the case however, until shown on the solicitor's diagram. The purpose of the solicitor is not yet apparent. Mr. Dorsey also had Miss Dix tell what the natural route would have been from Frank's office to the metal room. The lines on the solicitor's diagram indicate a route which Mr. Frank is supposed to have taken and which apparently was somewhat out of the way.

Before Rogers took the stand the diagram of the pencil factory was again submitted by Solicitor Dorsey, but with all writing removed. After an argument by the attorneys with the jury out of the room Judge Roan admitted the diagram as representing the state's theory.

While lawyers and principals in the Frank trial refuse to estimate the probable length of the big legal battle, those who have been following the case closely now believe that it will run far into next week. Judging from the progress made since the jury was chosen the state will do well if it closes its case by next Saturday.

Everybody is wondering whether or not Conley, if he is called, will stand up under the battery of the defense when he takes the stand against the accused factory superintendent. Conley is expected to be the state's main witness.

Conley is almost certain to take the stand twice during the trial. He will, of course, be a witness in the direct presentation of evidence by the state. And it is more than probable that he will be called in rebuttal to refute the statement that W. H. Mincey, defense witness, is expected to make. Mincey claims that Conley, while intoxicated, confessed to murdering a girl on the day Mary Phagan was killed.

So far the prosecution has presented nothing that has not been told the public weeks ago through the newspapers. Attorney Rosser, for the prosecution, promises that evidence heretofore unknown will be brought before the jury this week, however. In conversation with newspapermen Thursday morning he said that the state would present important new evidence before it closes its case.

PUBLIC ADMITTED.

At 9:40 o'clock the public was admitted to the court room with the women were taken. About 875 people were left outside when the doors were shut again. Frank already had arrived from the jail in charge of the sheriff. Judge L. S. Roan was in his navy [illegible]

Four jurors who waiting in the room [illegible] for the judge, [illegible] Frank, who was dressed [illegible] and [illegible] in the court. Frank, the attorneys, appeared cheerful, and talked unconsciously with friends [illegible]

Court reconvened at 9 o'clock. Judge Rosser and other officials [illegible] Mr. Mehaffey of Hence, [illegible] Mr. Dorsey, special counsel, [illegible] of the state, [illegible] Frank, [illegible]

(Continued on Page 2, Col. 1.)

$225,000 IN JEWELS TAKEN BY THIEVES AT NARRAGANSETT

Mrs. John H. Hanan Loses $150,000 Worth of Gems and Mrs. C. C. Rumsey's Loss Is $75,000

NARRAGANSETT PIER, R. I., July 30.—America's best detective genius is matching wits today with expert crooks who took $225,000 worth of gems almost from under the noses of the wealthy users in the summer colony here during the last week.

Rival agencies with international reputations as chief-getters have been engaged by the rivals, Mrs. C. C. Rumsey, daughter of the late E. H. Harriman, and Mrs. John H. Hanan, wife of a wealthy shoe manufacturer. Every pier on Narragansett bay is being watched in the belief that the thieves, operating as gentlemen, are sauntering about the fashionable hotels, looking for an opportunity to leave town without exciting suspicion. Thus far not a tangible clew has been found.

HANAN LOSS $150,000.

Mrs. Hanan's jewels, worth $150,000, were stolen from her room at Shore Acres Friday evening during the absence of a maid for not more than twenty minutes. The gems left by Mrs. Rumsey, valued at $75,000, were removed from her sleeping room while she was out on Saturday evening.

It is believed that the old gang which profited so greatly here in the summers of 1911 is again at work and the police realize that if this is the case they are pitted against expert cunning. Attention again is turned towards the reported "finds" in Boston long believed to be responsible by these thieves, but which has never been located. However, it is not expected that the members of the gang will attempt to dispose of their booty for the present.

SUSPICIOUS NOT SUSPECTED.

Mrs. Hanan said that the twenty-five men she had been stimulated in the investigation.

"I left the house on Friday evening (Continued from Page 1, Col. 1.)

Harry Holland, Star Collegian, Turns Down Big League Offers To Help Out His Home Club

Refused to Go to Philadelphia or Washington but Signed With Atlanta Last Night. Play in Series With Nashville Here Thursday

After repeatedly refusing handsome offers from major league ball clubs to defer professional baseball Harry Holland, the former Tech college star, has come to the rescue of the Atlanta club. Signing a contract with the Crackers for the remainder of the 1913 season.

Holland will make his debut, as a member of the Atlanta club in Thursday's double-header with Nashville. It is the first game of the Crackers' next home stay. It probably will play second base in place of Whitey Alperman, who is sick in Mobile.

For two years Harry Holland has withstood flattering offers from Connie Mack, Clark Griffith and a dozen or more minor league managers, but when he saw his own team down in the cellar he joined the ranks of Captain Whitey Alperman and an injury to Bill Bailey has relented and signed out for patriotism. Owing to parental objections, he had remained out of the professional end of the game, but when the home club began to go bad his parents withdrew their objections and he is entering the game with the best wishes of all.

HAS ENVIABLE RECORD.

Never in the history of southern college ball has such a phenomenal ball player been developed, as Harry Holland. He was with the Tech team for four seasons and in that time made a record that attracted the attention of every major and minor league scout in the country. Even before he finished his schooling the big show people were after him and when he graduated around they came to increased numbers, but the young star held off and sued for the time of Captain Alperman he would right now be working at the electrical business instead of preparing to play second base for the Atlanta club.

Never has there been any doubt in

TAX EQUALIZATION BILL IS NOT LIKELY TO PASS

Vigorous Fight of Minority Indicates Death of All-Tax Measures

The house indicated Wednesday that its equalization bills in no form will be passed at this session of the general assembly. The fight on section 14 of the Lipscomb bill, which explains the power of the state board, proved more vehemently than expected, through the leadership of Representative J. E. Sheppard, of the minority, and is practically certain that the necessary two-thirds vote of the house for the measure will not be forthcoming.

Almost equally certain is it that the substitute of Mr Sheppard will be defeated, thereby blocking effectually for a time at least any legislation looking toward tax reform.

It was evident at the outset of the session that both the majority and minority forces were determined to fight to the last ditch, and even sacrifice the adoption of any law along the proposed lines in order to defeat one another.

The debate began shortly before 10 o'clock and continued until the set hour of adjournment when by vote of 72 to 46 it was decided to have an extra session in the afternoon beginning at 4 o'clock in order to dispense with the business before the house.

Counting every item of ground, both sides battled for over three hours with the odds slightly in favor of the administration and against the creation of a state board of tax equalizers.

Mr. Sheppard was assisted by Representative Wimberly, of Hoke, Stewart, of Miller and Stanley, of Cobb. Representatives Sorrie, of Muscogee, was the majority floor leader, with Brown, of Mitchell, Chatham, Wimberly, of Bibb, and Allen, of Gilmer, standing behind him.

NOTICES

FUNERAL NOTICES

SPECIAL NOTICE

NOTICE OF DISSOLUTION SECTION 2654

A. O. & ROY DONEHOO FUNERAL PARLORS 35 Marietta St. Phone M. 1847 Atlanta 4300

BANKRUPT SALE

Stock of Groceries, Fixtures and Accounts

ATLANTA

MOBILE

Clark and Chapman, Campbell and [illegible]

FIRST INNING—Long singled by [illegible] and was sacrificed to second. Agnew grounded out to third to first, Kalchman, Star rip Paulet, Long to third. Smith singled to center and Long tallied. Smith stole second and was sacrificed to third. Smith was forced at second. Hits 2, [illegible]

Stock was thrown out by Smith. Starr flied out to Molte. O'Dell was thrown out by Boland. 0-0.

OPEN ALL NIGHT.

PITTS DRUG STORES

FORSYTH AND LUCKIE BOTH PHONES

Did Frank Look at Mary Phagan's Face at Morgue?

(Continued from Page 1)

introduction as evidence Friday afternoon and hung it again upon the wall. The jury writing, and most of the time has been drawing.

The solicitor again sought to introduce the diagram in evidence. The defense objected, the solicitor objected even to it being hung where the jury might see it. Attorney Arnold pointed out a heavy colored line across the door and two red dots, assuming that they illustrated the story which the negro, Conley, he supposed, would tell.

Solicitor Dorsey cited a decision by the state supreme court.

Judge Roan asked Mr. Arnold if all the writing which might indicate the geometry of the lines and crosses and dots had been removed. Mr. Arnold admitted that the drawing was erased. "But your honor, writing is more necessary in order to explain a picture of a house," he argued.

STATE WINS A POINT

Judge Roan asked Mr. Dorsey. This time simply indicate the state's theory do they not?

Mr. Dorsey answered affirmatively.

Judge Roan admitted the diagram as evidence and the jury was brought in and the trial began.

W. W. Rogers, formerly a county police officer, in whose automobile the officers went to the scene of the murder and in which they brought Frank there, went upon the witness stand.

Rogers now is a bailiff in Justice Gardenshire's court.

"Boots" Rogers

"Mr. Rogers, April 26 he said, he was operating an automobile for hire between Buckhead and Hoawerd.

HOWCHE TELLS HIS TRIP.

On April 26 he was riding around town in his car. That night he was at police headquarters with his car about 1 o'clock Sunday morning, April 27, a call came to police headquarters from the pencil factory and he drove some officers up to the pencil factory on Forsyth street.

The officers were in front when the first door to the negro night watchman, Newt Lee. The negro led them to the basement where they discovered the body of Mary Phagan.

Rogers was present when Detective Starnes used the telephone in the pencil factory office. This was just after daylight, between 5 and 10 o'clock. He couldn't recollect exactly what he heard Starnes say, but he knew what replies came over the wire.

Starnes was asking some one to come to the pencil factory. He did not know to whom Starnes was talking. He heard him say, "Have an automobile for you. The detective hung up the receiver and asked him, the witness: "Will you drive to Mr. Frank's home, 68 East Georgia avenue, and bring him to the factory?" He consented and went there with Detective Black, the drive requiring five or six minutes.

Detective Black preceded the witness to the door of the home. Black knocked on the door and rang the bell. In "a few minutes the door was opened by Mrs. Frank. To the best of his recollection Mrs. Frank wore a heavy bathrobe. She opened the door and Detective Black and he stepped into the house entrance.

FRANK WAS DRESSED.

Black asked for Mr. Frank. Mrs. Frank called to her husband, and almost instantly he walked down the stairs. Detectives in the hall toward the door. He was dressed for the street, with the exception of collar, tie, coat and hat.

Solicitor Dorsey inquired whether Mrs. Frank also was dressed for the street. Attorney Rosser objected. Judge Roan sustained the objection.

Frank wore a pleated bosom shirt. The witness said he noticed it very distinctly because it appeared to be ironed so nicely. Solicitor Dorsey requested the witness to get ahead and tell the jury what Frank had on.

Witness replied he could tell only what he saw. Frank had on shoes, blue suit, and suspenders (suspenders).

Describing Frank's actions after he entered the reception hall, the witness testified that Frank walked directly to Detective Black and inquired "Has anything happened at the factory?" Black did not answer but hung his head.

FRANK SEEMED DISTURBED.

"Frank then came to me," the witness said, "and asked me the same question, and I did not answer. Turning to Black again Frank asked 'Did the night watchman call up and report anything to you?'

To this question Black replied, "You'd better get on your coat and go with us to the factory."

Rogers testified that he did not hear Starnes tell over the telephone whomsoever he was addressed that a murder had been committed at the factory.

About 5:30 o'clock he said, he heard Call Officers Anderson, who had Newt Lee in his custody, ring for a call from one over the telephone from Frank's office to the pencil factory.

The witness returned to the scene at Frank's house. Frank asked his wife for his collar and tie.

Solicitor Dorsey asked Rogers if anything was said about Frank's dress shirt and Black were at Frank's home. The defense objected. Solicitor Dorsey said he was refreshing the mind of the witness from the transcript of evidence taken at the coroner's inquest. Rogers replied

FRANK'S DREAM.

Mr. Frank said something about the phone ringing early that morning. He didn't know whether it actually had rung or whether it was a dream."

Rogers testified that Mrs. Frank asked her husband to drink some coffee before he went to the factory. Frank said, "Yes, I'd like to have time to drink a cup of coffee." Detective Black said, "I think a cup of coffee, or whisky, would do him good."

Mrs. Frank explained there was no whisky in the house because her brother, Emil Selig, had suffered an attack of acute indigestion and had consumed it. Rogers asked Mrs. Frank for some water to put in the radiator of his automobile, and on her permission went back into the kitchen and got a bucket full of it.

There was no preparation being made for breakfast in the kitchen and there was no fire that he saw. There was gas range there, said the witness. Rogers said that Frank was extremely nervous," that his voice was refined or strained and "kind of lady-like."

FRANK APPEARED NERVOUS

Frank was rubbing his hands and put questions about the murder and above briskly in the hall. Frank had his hair combed when they arrived at his house five or six minutes after they left the factory.

"On the trip to town, about how long did it take you?"

"About five or seven minutes. I remember looking down at the speedometer and seeing that it registered forty-one miles an hour."

"What was said about Mary Phagan?"

"One of us, I think it was Black, asked Frank if he knew a girl by the name of Mary Phagan. Frank stated if she worked in the factory. Black said, 'I think so.' Frank said he would look on the pay roll and see. One suggested taking Mr. Frank by the undertaker's, and we went there."

"Did you see a corpse?"

"Yes."

"Describe the place and all about it."

"Frank's face was lying looking toward the door. The room was dark, but had a light in it. Frank's face was in a slight I behind the corpse. Then he took two steps forward and looked down toward me. I looked back down to see what was following, and saw Frank step to a little side, and I looked back and saw the face until Gheesling turned it around."

"Did you have any conversation there?"

"Someone asked Frank if he knew her. He replied that he was not certain, but if it was Mary Phagan she had worked at the factory he could tell them."

At this point the witness said that in the conversation at Frank's residence Detective Black had told him to call up Darley and have him come to the factory.

"Did Frank ask Black any questions at the undertaker's?"

"I don't remember."

"What was Frank's manner?"

"He still was generally nervous."

"What did he do or say?"

"It was just his general manner that made me think he was nervous—quick walking and his quick steps."

"Did Frank ask the girl's name?"

Mr. Rosser objected. Judge Roan sustained the objection.

"So far as I know, it was in the office coming down when he first heard the name and heard that there had been a murder."

"Did he ask anything about her name at the undertaker's?"

"I don't remember."

"How long were you at the undertaker's?"

ASKED ABOUT ENVELOPE.

"Ten or fifteen minutes. We went from there to the factory. As we stopped in the car, Mr. Dorsey and other men were going into the factory and Mr. Frank called to them, I've all went to the office. Black went straight to Mr. Frank's office and he immediately opened the safe and took out this book. Running his finger down a page, he came to the name Mary Phagan. He said, 'Let me here yesterday to get her pay.' He said, 'Wait and I'll tell you what time.' If I make no mistake, my stenographer left at 12 o'clock, the office boy went a few minutes later, and then she came in and got her pay.

"What was said?"

"Mr. Frank asked if the envelope had been found lying beside the girl.

"What day did he say Mary Phagan got her pay?"

"Yesterday, yesterday, referring to Saturday, April 26."

"He gave the time any more accurately than at 1 this after 12 o'clock?"

The witness repeated his testimony regarding Frank's statement.

"Did you see his appearance and deportment then?"

"He was still nervous."

"Describe his manner."

"He still stepped around quickly, and his speech was quick and sharp."

"Describe his countenance."

"I didn't notice it especially."

"What about the elevator?"

"After he had opened the safe and set forth something on a paper about where the body was found, and I think he said he wanted to see the place, Frank went down the hall to the factory and up to a switch box by the elevator shaft. He opened the box and the machinery started running."

THE ELEVATOR.

"Was the switch box locked?"

"No, the lock and key were there by the door in the hall."

"What was said about this by Frank?"

"He said that he had been accustomed to keeping it locked until he was told by the insurance company that it was against the law to keep an electric switch box locked. The crowd got into the elevator, and Frank reached for the rope. It was hung (caught) and Mr. Darley helped him to get it loose."

"Describe Frank's manner."

"He still was nervous."

"Do into detail."

The witness repeated his detailed description of Frank's quick actions.

"Did you hear Frank ask any questions on the way to the basement?"

"I can't remember."

"Did he then advance any theory about the crime?"

"Frank stated that Newt Lee had worked for a long time with Darley and had been at the factory only a short time. If the negro knew anything about it, said Frank, Darley would come nearer than anybody else to getting it out of him."

THE TIME CLOCK.

"Did you see anybody take any punch slip out of the time clock?"

"That was later on after we had left the basement and come back to the office floor. Frank suggested to Darley that they go down and examine the back door and they went back down. The officers told Lee with me, and after they came back upstairs they went to the back door of the factory. When they returned to the office the officers suggested that they'd all better go down to the station house, and Frank, addressing an Darley, said, 'I guess I'd better put a new slip on the clock.' Darley said, 'Yes.' Frank took his keys out of his pocket, unlocked the door of the lock on the right, and took out the time slip. He examined the slip and then said it was punched all right.

"Lee was handcuffed and was standing near. Darley also was there. After seeing that the time slip was punched all right, Frank laid it down on the table and went into his office, coming out with a blank slip. While he was in the office getting the new slip, several us examined the one taken from the clock. When Frank put in the new slip, he asked some of us to help him, and I held a lever. Frank found a pencil in one of the punch holes and asked Lee why it was there. The negro said he put the pencil there so he would punch the right hole and make no mistake.

"Frank locked the clock and on the margin of the slip he wrote in pencil 'April 26, 1913.' Then he folded the slip and stuck it back into the inner office. When I examined the slip I noticed just the first two punches especially. One was punched at 8:01 o'clock and the second at 8:12 or 8:21."

"Did Frank notice any slips on the slip," said Rogers.

"He thought if there had been any omissions, he would have seen them."

While they were in the factory, he heard Frank say something about he wanted to go out and get a cup of coffee. Solicitor Dorsey wanted to know if anybody else said anything about coffee. Attorney Rosser objected. Judge Roan sustained the objection.

LITTLE TO SAY OF CRIME.

"Did you hear Frank say anything about wanting to get back home?" asked the solicitor.

"I don't remember that I did. But while we were at his home Mrs. Frank said to Mr. Frank couldn't get his breakfast before he left."

"While you were in the factory," the solicitor asked, "did Frank talk much about the murder?"

"Not that I recall. There is my office in the factory, and I was there most of the time. Frank came there and said, 'This is too bad.' He said he did not recall Frank's eyes. Frank was in the factory when the officers came back from the factory they went to the station house. Frank was handcuffed and was sitting in the front seat beside the witness, and Frank sat on Darley's knee. Starnes was in the back seat. Gheesling was in the rear seat with Detective Black. As the officer took Frank to the detective chief's office on the third floor, Rogers did not go upstairs with them. He stayed behind to take his sister-in-law home.

Upon asked questions by the solicitor the witness did not remember to have seen Frank on any occasion at his residence. He did see Newt Lee write. Somewhere the officers were going in the morning to try to refresh the witness' memory about his testimony in this respect, but he could not recall it, he say Rosser objected. Judge Roan sustained the objection.

Solicitor Dorsey asked Rogers if he had seen the officers do anything with Frank and Darley when they reached attorney Rosser objected. Judge Roan sustained the objection.

The solicitor asked if Rogers saw Frank with a pencil in hand.

SECRECY CONDITION SUSTAINED.

Taking up the stenographic record of the testimony at the coroner's inquest, the solicitor stated that he desired to ask the witness what he swore at the coroner's inquest. Attorney Rosser, Judge Roan, sustained the objection.

The solicitor then went back to Frank's residence while at the station house, Frank was nervous, said Rogers, "just like he was when he arrived at the factory, but was then he stopped for his home and did he was quite nervous." Rogers described his actions, Rogers said Frank jumped from the car immediately it was stopped in front of his residence, he walked rapidly and nervously into the house, and that what few words he spoke were uttered in a nervous and excited manner. Darley followed Frank into the house, but Rogers did not observe Frank's hands at the station.

CROSS-EXAMINATION.

Rogers was cross-examined by Attorney Rosser.

Rogers testified that he had not seen Frank before that Sunday morning when Black, at his request, introduced him. He did not know Frank's usual actions and moods of expression. He didn't say whether Frank was perturbed or excited more than usual.

When the officers arrived at the factory, very early that morning, they went up to the office and got the keys for Newt Lee to come down and open the door.

Rogers admitted that they could not tell, at first, whether the body was that of a white or negro girl. They had to pull down one stocking and wipe her face off before they could tell. Rogers said that the cord cut into the flesh of the body's neck, but the skin wasn't broken.

The piece of her underskirt around her neck was over the cord. Attorney Rosser questioned Rogers closely about the time when they returned to town and took Frank to the undertaking parlor. Attorney Rosser asked Rogers if Frank and Black didn't say a drink. Drink would do them all good.

"Not in those words" answered Rogers. He testified Mrs. Frank had said something about her father having consumed all the whisky in the house. Frank and Mrs. Frank and the lawyers laughed.

Attorney Rosser asked Rogers what he said about Mary Phagan's pay envelope before the coroner's jury. Rogers said that he told the coroner's jury about it, but couldn't recall his exact testimony.

When they visited the undertaking establishment, said Rogers, he did not know whether Frank and Black went inside when the light over Mary Phagan's face was flashed on.

Mr. Rosser asked him if he didn't know Black was leaning against one side of the door and Frank against the other side. He didn't know whether they were not. He couldn't attempt to say that Frank didn't see the corpse then. "Didn't you know that Gheesling was looking at Frank when he turned the light on?" asked Mr. Rosser. Rogers said no.

Mr. Rosser developed from the witness that the elevator appeared to be a rather clumsy and fresh affair, but the witness declined to say that it stopped even a jump. Mr. Rosser also brought out the fact that when Darley came to Frank's assistance when they started down the elevator, it started toward the top but Darley stopped it, and then Frank and Darley got the rope and ran the elevator to the basement.

Rogers testified that when they found the body it lay with its head towards the front and its feet diagonally across toward the right rear corner.

BRUISES ON BODY.

The body was lying on its front, with the knees drawn beneath it. The face looked toward the right wall.

Attorney Rosser developed a repetition of testimony about bruises and slight cuts on the face, and about the elaborate precautions of the Frank brough. One of the stocking supporters was broken, testified the witness. Her underegarments were torn.

Rogers answered about twenty minutes in his testimony, and then left to get the undertaker and to go after his sister-in-law, who lived with the body. Attorney Rosser brought out the fact that Rogers went to police headquarters from the factory willingly and readily.

Solicitor Dorsey took the witness on re-direct examination.

"When you first saw the body in the basement, could you tell by the hair whether it was that of a white person?"

Rogers answered that at first glance it looked like the hair of a white girl, but he couldn't tell from the face. Both Rosser and Dorsey interrupted the witness. The solicitor said that what he wanted to know is if he was in any way whether he could tell by the hair that it was the hair of a white girl or negro. Rogers answered that the hair impressed him that way.

DID FRANK SEE FACE?

Solicitor Dorsey asked the witness if the body that he saw in the basement was the same that He saw in the undertaking establishment. Rogers said that it was.

The solicitor asked if Frank saw the face of the girl in the undertaking establishment Rogers said he didn't think so.

Attorney Rosser demanded to know if the witness had not stated that when they first came into the room where the body lay, he did not notice where Frank and the Black Frank might have seen the fact at that time.

Rogers admitted that he said he did not notice. Mr. Rosser pointedly asked if the witness had not stated that when he came into the undertaking establishment Rogers said he didn't think so.

Attorney Rosser demanded to know if the witness had not stated that when he

TRIAL THROW HIS ONLY ESTIMATE OF MURDER OF THE GIRL

Tuesday Afternoon's Session Hears of Beginning of Police Investigation Into Mystery of Mary Phagan's Murder

Following in the sequence which began with the introduction of the first witnesses the prosecution of the murder charge against Leo M. Frank progressed Tuesday afternoon to the point at which the city detectives began their investigation of the murder mystery.

Beginning with Mrs. J. W. Coleman, partner of Mary Phagan, who was her there home about noon of April 26, the state established in succession her arrival at the corner of Marietta and Forsyth streets, and departure thence for the factory with bloody news—this by the newsboy, George Epps; the fact of her dead body being taken to the pencil factory basement—this by the night watchman, Newt Lee; the arrival of the police and their official survey of the surroundings—this by Sergeant L. S. Dobbs; the beginning of the detective investigation and the arrival of Leo M. Frank in physical person upon the scene—this by Detective J. N. Starnes, who appears formally as the prosecutor of the charge against Frank.

Thus therefore, the state has established the very necessary foundation of fact that Mary Phagan was murdered in the pencil factory.

The session Tuesday afternoon was punctuated by objections by the state or the defense to questions put by the opposing side to witnesses on the stand, and by arguments between state and defense over these points.

Sergeant Dobbs and the other officers examined the basement and failed to find any noise or pads except the two sides and the pad found beside the body, he said. They failed too to discover any gate on the first floor of the factory. There was no blood on the ground or in the sawdust where the body was found.

Attorney Rosser asked him if he went carefully into the trash pile in his search. No, he didn't dig it all up, said the witness.

Picking up the basin which had been found drawn from the back door, Mr. Rosser handed it to the witness and required his admission that it was slightly bent to one side. Sergeant Dobbs said he could not say how the bisp was received, but that it must have been drawn straight out from the inside of the basement, that the door apparently had been opened from the inside.

Mr Rosser read the sergeant's testimony at the coroner's inquest with reference to the dragging trail leading from the elevator to the dust bin, and also with reference to the size of the trap door in the first floor.

Apparently the attorney sought to bring out that the trail did not lead all the way from the front of the elevator, but from somewhere near the door, or it close to the ladder. He also sought to establish the fact from the witness that the trap door hole was not so small that two persons could not pass through it. Witness protested that he got through himself with great difficulty, that the hole is small.

City Detective J. N. Starnes, who is known in the case as the prosecutor of Leo M Frank, was next called to the stand.

STARNES' TESTIMONY.

Detective Starnes testified that he went to the pencil factory about 2 o'clock on Sunday, April 27, and made a minute examination of the basement. He testified at length as to the position of the hasp and lock on the basement door. The substance of this testimony was that the staple could not possibly have been drawn from the outside. He declared that there was a small piece of pipe on the inside, which evidently had been used to pull the staple, as directly beneath, the hasp position on the woodwork was an indentation which this pipe fitted. There was another larger piece of pipe, he said, which had been placed against the door to prevent it being opened from the outside, and this pipe was in place when he made his examination.

Detective Starnes said that he took Newt Lee back to the pencil factory Sunday morning following a conference between Chief of Detectives Lanford and Detective Black and his (Detective Black) had went with them, he said.

The first thing he did on arriving at the factory was to call Frank's house on the telephone. He got a response shortly and got Frank on the telephone and told him to come down to the Newport factory right away.

PHONED TO FRANK.

Frank replied that he had had an breakfast and that he didn't want to come until he had eaten something. Starnes said he impressed on him the urgency of coming and offered to send an automobile after him, and that Frank then agreed to come.

The automobile went out and got him. Starnes said that he did not tell Frank why he wanted him to come to the factory. There was no way for Frank to find out that there had been a murder as he reached there about twenty minutes or less after it stole phone conversation.

"What was the attitude of the negro Lee?" asked the solicitor.

Attorney Rosser objected. There was an argument for about five minutes all four of the attorneys participating.

"We don't care what the witnesses looked like," said Attorney Arnold. "A detective thinks everybody looks guilty."

NEWT LEE WAS CALM.

Starnes replied that the negro seemed composed when he took him up to the pencil factory that morning.

Mr Dorsey asked Detective Starnes about the appearance of Frank. Starnes said that the first time he saw Frank was when Frank with several other men walked into the factory office where the witness had gone to meet the other men was General Manager Darley, of the pencil factory. The first thing Starnes heard Frank say was a remark addressed to Mr. Darley: "You don't think I've got caught, do you?"

Attorney Rosser for the state, declared that inasmuch as Attorney Rosser had been called to make an attack on Lee during his cross-examination of the negro he believed this to be admissible in rebuttal.

Judge Roan said he would allow the question if Solicitor Dorsey insisted.

"I insist, your honor," said Mr. Dorsey. He was allowed to repeat his question.

SAYS FRANK WAS NERVOUS.

Starnes replied that when he was talking with Frank over the telephone he said that he didn't know who it was that was talking to him.

Solicitor Dorsey wanted to know if Frank had anything in addition to what he said to Darley about another man, whether he mentioned Mrs Hurt or coffee or anything like that. Starnes said he did not hear anything like that. Frank appeared to be very nervous, the witness thought because of the circumstances surrounding the case. Starnes said he thought Frank was perfectly cool and collected. The witness said he had seen Frank at his home, and had seen him at his place of business, and that Frank was not nervous at any of these places.

Solicitor Dorsey asked if Frank had any other name than Leo, and if he had not been referred to as a "Jew dog" by the witness. Mr. Rosser objected to the question as being immaterial. Judge Roan ruled out that portion of Starnes' testimony relative to the contract, and the other objection appeared. Frank's manner was nervous, said Starnes. He was rather "irritable," not composed. Frank and Darley went upstairs somewhere. While telephoning to Frank, said Starnes, he did not tell Frank what had happened at the factory, nor did he do so when Frank came to the factory. He didn't know Frank and didn't speak to him.

About the time clock punch slips, Detectives Starnes said that about a week after the murder, possibly Friday night, he had something in the paper which caused him to get out of bed and go to the factory. There he induced the night watchman to show him how the punch clock was operated. The watchman, said he, made a complete record of the dial in five minutes; and this record covered the half-hour punching periods from 1 to 4 o'clock, or twelve hours. Starnes said he was not present when Frank referred to Newt Lee's punch slip record. Starnes identified the card taken from Mary Phagan's neck. He identified other similar cards which he himself had taken from the finishing room adjoining the metal department on the second floor of the factory. Each of these cards had a slip knot on it, just like the knot on the cord found around the girl's neck. Starnes indicated on the diagram the room in which he found the cards.

FINDS BLOOD SPOTS.

Starnes continued that he had found a number of cards similar to that found around the neck of Mary Phagan's body, in the factory, especially in the basement. He didn't remember finding any more on the second floor. On Monday he was called to the factory and found on the floor about two and a half feet from the dressing room in the rear of the second floor some splotches which looked like blood. He described them as covering a spot about the size of his hand, with smaller drops spattered around. Over these blood spots had been smeared some white substance.

He described in detail the rear of the building on the second floor, including the toilet and the door which leads to the steps going up to the third floor at the back. He identified a picture on the diagram as being a reproduction of the dressing on that door.

The witness said that on a wall about fifty feet from the back door, on the second floor, about a third of the way from the double doors toward the elevator, he found a ball of cord to which there was some blood and he pulled it from the floor, and he took it to police headquarters. There was a little blood—just a little—about on the floor near the ball.

The distance between the double doors and the place where he found the blood stain in front of the dressing room, said he, is about thirteen feet.

Solicitor Dorsey conducted the direct examination in behalf of the state and began at 1 p.m. a series of walk from Marietta street along Forsyth to the pencil factory. Mr. Rosser, of counsel for the defense, answered the call of Mr. Dorsey and took the stand.

Mr. Rosser proceeded to detail the walk from Marietta street to the pencil factory. The witness said he thought it should not take more than five minutes to get off a car on Marietta street, walk along Forsyth to the pencil factory and up the steps to Frank's office.

STAPLE SLIGHTLY BENT.

Attorney Rosser secured an admission from Starnes that the staple pulled from the rear door was been slightly bent. Attorney Rosser asked him about the finding of Mary Phagan's hat on the trash pile. Starnes said that he picked it up from the trash pile about 5 o'clock on Sunday morning, but that he does not think he was the original discoverer of it. The sign had been removed by another officer, he said. He said further that he found a gas pipe near the door, and that in his opinion it was used as a battering ram by the layer with which the staple was pulled.

Attorney Rosser asked Starnes if, when he called Frank, "Boots" Rogers was standing near in the same room. Starnes did not remember. Attorney Rosser asked him if he hadn't heard Boots Rogers' testimony before the coroner's jury about Starnes calling Frank on the telephone.

Solicitor Dorsey objected, and the point was argued about 10 minutes. Mr. Rosser contended that inasmuch as Starnes appears as the prosecutor, he immediately should have refuted any misstatement by Rogers.

ASKED TO REPEAT TESTIMONY.

Judge Roan instructed Mr. Rosser as to how he might ask the question. Mr. Rosser suggesting that he wanted to test the memory of the witness, picked up the stenographic reports of the coroner's inquest and requested him to repeat what Rogers had testified to the two occasions when he appeared as a witness before the coroner.

Solicitor Dorsey objected immediately, declaring that such a question was not a proper one. Attorney Arnold said that he wanted to test the memory of the witness, he said. Mr. Rosser was endeavoring without calling the witness' attention to any specific part of his testimony, to show that he couldn't recall it and thereby discredit his recollection of the telephone conversation.

Attorney Arnold, for the defense, answered this objection. "Your honor, my friend the solicitor has been complaining about the time we have spent on these controversies, and I dare say more time has been lost in fighting this point than would be required to develop the evidence we are seeking."

"That's all right," shouted the solicitor. "I want to try this case according to law."

"So do we," declared Mr. Arnold. He argued that the defense had a right to call the witness at once, to the last memory. If the witness remembered what the witness had said, he could tell what was actually spoken. If he did, still the witness could be asked if he remembered something else which Rogers had testified to. Judge Roan ruled that the witness could be asked what Rogers had testified to, and if he remembered that he could be asked if he remembered something else Rogers had testified to. Mr. Rosser then asked Starnes if he remembered Rogers testifying that he had called Frank and had said to him, "Frank, this is Boots Rogers," and that Frank had replied, "Yes, Boots, what do you want?" Starnes said he remembered that testimony and sat him to repeat that.

Mr. Rosser proceeded to put practically the same question as before.

Solicitor Dorsey objected vigorously again.

"I thought your honor had ruled on this point," he declared.

"I have ruled," said the judge.

"Well, then I want you to enforce the rule," demanded the solicitor.

"Sit down and I will," said the court.

DORSEY AGAIN OBJECTS.

Mr. Rosser renewed the argument as to his right to an answer to the question he had asked the witness. He said that he wanted the witness to repeat if he could just what he had told the coroner's jury.

Solicitor Dorsey promptly entered another objection, insisting that Mr. Rosser should indicate to the witness just what portion of his testimony he desired him to repeat. Mr. Rosser then inquired if the witness could give the very words he used at the inquest. Starnes replied that he would find it difficult, adding that he wouldn't say now that his version of the telephone conversation was a verbatim account of it, but that he had testified to the best of his recollection. Attorney Rosser asked the witness whether Frank had said anything in the telephone conversation which at that time appeared significant to the witness.

Solicitor Dorsey objected, declaring that it was totally irrelevant.

Judge Roan, however, permitted Mr. Rosser to proceed.

Starnes replied that he could not now recall that at the time he noticed anything about Frank's conversation over the telephone.

Starnes testified that all of the blood spots had not been chipped from the floor of the factory when he was there the last time. Attorney Rosser asked him if the floor of the factory was not the dirtiest he had ever seen. Starnes declared that some ashes had been spilled around. He testified that he had chipped up one of the blood spots around the wall. Attorney Rosser demanded why he did not testify at the coroner's about Frank's statement to the effect that he had another call. The witness said he had not mentioned it there.

Mr. Rosser asked Starnes if he had not said at the coroner's inquest that Frank had said, "Yes, what do you want?" The witness said he had not.

"No, I do not," answered Starnes.

GUARDED IN CONVERSATION.

After a clash between the attorneys, Judge Roan allowed Dorsey to ask the witness this question:

"Was you guarded in your telephone conversation with Frank?"

"I was," said the witness.

"What did you mean by 'on air' conversation?"

"Just the conversation of two gentlemen over the telephone," answered Starnes.

Starnes said he called Frank over the telephone soon after he had talked with Lee and Detective John Black.

Solicitor Dorsey put this question:

"Did anybody else about the factory joke on this Sunday morning after Mary Phagan's murdered body had been found, except this defendant, Leo M. Frank?"

The question caused another wrangle, and finally was admitted by Judge Roan after Solicitor Dorsey had argued that Attorney Rosser had brought out the admission, that the accused Frank having another suit was made a Frank jokingly.

Starnes replied that he didn't remember anybody else joking, unless possibly it was Mr. Darley, whom Frank had been talking.

Solicitor Dorsey exhibited two pieces of wood, received from the floor of the second story and carpenter's shop in the building, Starnes identified them as the chips he saw Frank throw over the elevator, which he got from the floor. The difference that he could see using that they were somewhat cleaner than when he saw them last.

"Upon did you give the chips?" asked Solicitor Dorsey.

"To Chief Lanford," said the witness. He didn't know what became of them, he said.

Solicitor Dorsey asked Starnes about an agreement between Frank and Mr. Rosser after Solicitor Dorsey had begun to place under guard all police men who were present at the coroner's inquest. He didn't know anything of the agreement, he said. He did know that Rosser had talked with Frank after he had been through with Detective Starnes, he said, in response to a question.

The state concluded by Starnes with the statement that he had not found anything else which was found around the girl's neck, or anything else which was found in the pencil factory which was like the cord around the neck. Attorney Rosser asked Starnes if he had not found two pieces of cord in the pencil factory which were like the one found around the girl's neck. Starnes said he had found two such pieces of cord, but that they were not like the one around the girl's neck. Starnes said he had found the two pieces of cord in the finishing room, and that they were made of twine, and that they were not like the one around the girl's neck. Starnes said that

...er thing to
...at they are
...an all other
...ways of un-

"...stamped on
...hat if a million
...Biscuit were
...n could choose
...dent that every
...package would
...Uneeda Biscuit
...s.

...T COMPANY

SUMMER RESORTS.

...Blenheim
...TY, N. J.

...House of the World
...Summer Season

...ication at
...e Beach
...ton, N. C.
...ch on Atlantic coast;
...electric train service
...and outdoor amuse-
...tes. For literature
...to

...Wrightsville Beach, N. C.
...Wrightsville Beach, N. C.
...ville Beach, N. C.

COAST
ROCKIES
...Trip Rates
...cific Railway
...c Coast
...al stop-overs.
...ough the Canadian
...us Hotels, Moun-
...iss Guides, Fish-
...other attractions.

...of 1913 of the condition of the
...surance Company
...nce
...Made to the Governor of the
...value ... $[illegible]
...ASSETS OF THE YEAR 1912.
...ASSETS OF THE YEAR 1913.