THE JOURNAL COVERS DIXIE LIKE THE DEW

The Atlanta Journal.

THE WEATHER
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VOL. XXXI. NO. 167. ATLANTA, GA., SATURDAY EVENING, AUGUST 9, 1913. PRICE 2 CENTS IN ATLANTA 3 CENTS ON TRAINS

Schiff Refutes Jim Conley and Dalton

FIGHT ON HUERTA TO CONTINUE, DESPITE ANY PEACE ATTEMPT

Commander-in-Chief of Mexican Constitutionalists Declares Internal Warfare Will Not End

PRESIDENT'S ABDICATION ALONE WILL HALT REVOLT

Intervention of United States Will Not Affect Carranza, Who Will Fight to a Finish

By Associated Press.

NEW YORK, Aug. 8.—Venustiano Carranza, governor of the state of Coahuila and commander-in-chief of the Mexican Constitutionalists, has sent the following answer in reply to a message from the Times here asking him whether he would agree to stop fighting if John Lind, President Wilson's personal emissary, should request the Huerta government to resign hostilities until the October election was held.

Answering your message, I say to you that I do not recognize the Huerta administration as a legally constituted government, for which reason the obligations incurred with my country demand from me the last defense of our constitutional rights never to continue the campaign that has been begun, unless it is finished."

Federal Train Is Blown Up and Soldiers Killed

INSURRECTIONAL FIELD HEADQUARTERS, Aug. 8.—The blowing up of a federal troop train near Lampasas and the killing and wounding of many soldiers on August 4 was officially reported here today. The report came by courier from Lieutenant Colonel Alfaro, commanding a force of constitutionalists operating along the railroad line between Torreon, Tex. and Durango, Mexico.

He gives the number of dead, but that, it was reported, other federal soldiers had been taken to Lampasas. Constitutionalists are reported to occupy Rinconada and San Gerónimo, the latter a few miles from Monterey.

Senator Charges Rebel Junta Influences U. S.

WASHINGTON, Aug. 8.—The Mexican situation bobbed up in the senate today when Senator Smith, of Michigan, declared that R. G. Hopkins, Washington lawyer, as representative of the constitutionalist forces, "had the ear of the state department," and "had much to do with the removal of Ambassador Wilson."

Senator Williams, of Mississippi, declared today he believed an organized effort was being made to bring war with Mexico.

Mr. Williams contended there is now an organized and syndicated effort to bring about war because the United States and Mexico" said he "originated with a lobby here and organized and syndicated through newspapers with money behind it and not all of it Mexican money."

Wilson Allows Arms to Be Shipped to Mexico

WASHINGTON, Aug. 8.—On representation that should the light and water works south of Mexico City be destroyed all the foreigners in the city would suffer, President Wilson has given permission for the shipment of 20,000 rifles and 5,000 rounds of ammunition to the Mexican Light and Power company. The request for permission for the shipment was made through the New York representative of the company.

The steamer Monterey, sailing from New York yesterday, carried a consignment of 142 cases of cartridges for the Huerta commandant at Vera Cruz and about a week ago the steamer Mexico took 6,8 cases of ammunition and 12 cases of arms to the same place.

It is said here that these shipments have been made under a permit issued prior to the Huerta government for the exportation of 10,000 rifles and 5,000 cartridges. Small portions have been coming through from time to time.

No permit has been issued since that date (at the Mexican embassy) has received official applications to the state department, but these remained unacted upon. This is taken to indicate that President Wilson, for the present at least, intends to carry out his policy of denying munitions of war to both factions.

Wilson Calls Conference On Situation in Mexico

WASHINGTON, Aug. 8.—President Wilson will meet the foreign relations committee at the White House tonight for a conference on the Mexican situation. The entire membership of ten Democrats and seven Republicans was asked to be present.

LIND NEAR VERA CRUZ.

John Lind, President Wilson's personal envoy to Mexico, will arrive off Vera Cruz on the battleship New Hampshire Friday night. He probably will not be in Mexico City before Monday and the diplomatic rivalry between the United States and Mexico is not expected to eliminate before that time.

The next development in the situation will be when Mr. Lind, through Minister Bonillas, presents to President Huerta President Wilson's proposals to arrange about peace. These will be published simultaneously in Washington and Mexico City and at the same time will be transmitted to a number of information to the powers of the world.

PROBERS WILL ASK IMPEACHMENT FOR GOVERNOR SULZER

Chairman Framley and Counselor of Investigating Committee Say That Is Only Course for Them

NEW YORK CHIEF SILENT BEFORE ACCUSATIONS

Report to Legislature Will Declare Sulzer Speculated in Stock Market With Campaign Funds

By Associated Press.

NEW YORK, Aug. 8.—While Governor Sulzer remains silent, the legislative committee, which concluded its hearings here yesterday, began today drafting a report which it will submit to the legislature on Monday with reference to testimony adduced showing that the governor had speculated in the New York stock market using campaign funds which he failed to include in his sworn statement as required by law.

In the opinion of Chairman Frawley, of the committee, and of Eugene Lamb Richards, counsel, no other course than to recommend impeachment proceedings is open to investigators.

Never in the history of New York state has a governor been impeached.

Should such a fate await Mr. Sulzer he would be put on trial before the senate and the state court of appeals sitting jointly. The court is now in recess and will not convene until September 23.

NEWSPAPER STORY DID HARDEMAN INJUSTICE

Representative From Jefferson Declares He Is Satisfied With Present Prohibition Law

Arising to a point of personal privilege on the floor of the house Saturday morning, Representative O. M. Hardeman of Jefferson, called attention to a newspaper article, the wording of which made it appear that he has been a member of a reported pact among the prohibitionists gotten together for the sole purpose of defeating the so-called administration measure amendatory to the general tax act that were introduced by Speaker W. H. Burnett, of Hancock, at the suggestion of Governor John M. Slaton.

Mr. Hardeman made it plain that he was allied with neither "wets" nor "dry" but on the other hand was a conservative and had expressed himself on several occasions as being satisfied with the law as it now stands and in favor of neither an effort to repeal it or change it in any manner. He denied that there was any bargain so far as he could see to defeat the administration and declared that he had voted for every administration measure.

It is a fact as the records will show, that the gentleman from Jefferson, strongly supported both of the tax measures introduced by the speaker and stood squarely behind him during the fight on the floor of the lower house.

The only tax measure that Mr. Hardeman voted against was that of Mr. Fullbright, of Burke, providing for an extra ad valorem tax levy of one mill. On this question he explained his position by saying that the members of the house had been given four different opportunities to increase the revenue of the state by tax reform and had failed to do so. For that reason he was not in favor of adding anything to the ad valorem tax.

Mr. Hardeman has always been consistent in his position not to change the present prohibition law but to leave it as it is, which fact is known to every Georgian conversant with the politics of the state.

HE IS EXAMINING DEFENSE WITNESSES

REUBEN R. ARNOLD

Staff Photo by Wilson.

O'NEAL FAVORS SPECIAL SENATORIAL ELECTION

Alabama Governor Believes He Has the Authority to Call One

By Associated Press.

MONTGOMERY, Ala., Aug. 9.—Governor O'Neal declared today that he is still of the opinion that he is authorized by law to call a special election to fill the vacancy caused by the death of Senator Joseph F. Johnston.

"The authority for the election exists in an Alabama statute which says that vacancies in office created by death shall be filled by special election," said Governor O'Neal. "I could issue a proclamation Monday for a special election and have a senator elected by September 15, the date on which I understand the tariff bill will come up for passage. A democratic primary would be useless in case I order an election. There is no danger of a Republican being elected. Their vote is inappreciable."

Governor O'Neal will leave tonight for Birmingham to attend the funeral of Senator Johnston. He will probably reach no definite conclusion until he has conferred with the members of the Alabama delegation attending the funeral.

GRAFT POLICEMAN LEAVES BUT $10.32

NEW YORK, Aug. 9.—Captain Thomas W. Walsh, of the police department, who died last June shortly after he had confessed to District Attorney Whitman that he had participated in the graft paid to police officials for protection, left an estate amounting only to $10.32 so far as shown in his will, which was filed yesterday. He possessed no realty, only the sum named in bank deposit.

CHURCH TO CELEBRATE SEVENTY-SECOND YEAR

Groverville Baptists Will Hold "Home-Coming Day" in Honor of Anniversary

GROVERVILLE, Ga., Aug. 9.—Old Liberty church, at Groverville, in this county, will celebrate the seventy-second anniversary of its founding with a "home coming day" next Saturday, August 16. An invitation has been issued to every person who is or has been a member of this church, or has any associations with its history, to be present.

One of the chief features will be an address by Rev. J. M. Rosalie of Boston on the "History of Liberty Church and its earliest days." Judge J. G. McCall of Quitman will follow with an address on the history of the Baptist church in south Georgia.

"Please Send Us Daddy" Begged Babies; Blease Paroles Long-Termer

(Special Dispatch to The Journal.)

COLUMBIA, S. C., Aug. 9.—"Governor, please send us daddy." wrote the two little tots of David A. Kirby, of Hamberg, to Governor Blease this morning in a letter accompanied by photographs. One was a little girl two years old and one a little boy four years of age.

"Daddy" was in the penitentiary for ten years for killing another mill operative, William Marvin, in Hamberg last spring.

The governor acceded to the request of the children, and sent "daddy" back home with a parole in his pocket.

ROSALIE JONES' FATHER A SUICIDE, POLICE SAY

(By Associated Press.)

NEW YORK, Aug. 9.—Mr. Oliver Lee Jonston Jones, a wealthy retired physician and father of "Rosalie" Jones, a suffragette leader, died in a hospital today of self-inflicted bullet wounds.

The police have recorded the case as one of suicide, although members of the family insist that it was accidental.

WHISKY MANUFACTURER IS KILLED BY HIS WIFE

Spencer, N. C., Coroner's Jury Exonerates Mrs. H. Clay Grubb

(Special Dispatch to The Journal.)

SPENCER, N. C., Aug. 9.—H. Clay Grubb came to his death at the hands of his wife, Mrs. Emma Grubb, who acted in self defense and who was justifiable in the act, was the verdict of a coroner's jury impaneled today to investigate the killing of Mr. Grubb today.

The tragedy occurred at the Grubb home at Chipenhand, near Spencer, at 10 a. m., when Mrs. Grubb fired three bullets in the body of her husband while he was attempting to beat her. She was arrested on the spot, her arm being almost severed and many severe bruises inflicted in the body. Her condition is still critical. The husband is said to have been drinking when he attacked her.

Grubb was one of the prominent business men in this section of the state, being a mighty manufacturer. He is survived by a wife and seven children.

WITNESS IN MIDST OF DORSEY'S GRILLING WHEN COURT ADJOURNS UNTIL NINE O'CLOCK ON MONDAY

Assistant Factory Superintendent Refutes Testimony of C. B. Dalton and Jim Conley That Frank Frequently Had Women Callers in His Office on Saturday Afternoons and During Holidays—He Says He Never Saw Conley There Saturday Afternoons

DECLARES THAT WIFE OF THE ACCUSED FREQUENTLY CALLED ON HUSBAND AT HIS OFFICE ON SATURDAYS

Attorney Arnold Registers Another Objection Against Laughter of Spectators in the Court Room—Solicitor Draws From Schiff Change of Answers Made to Several Previous Statements of His While on the Witness Stand

The second week of the trial of Leo M. Frank, charged with the murder of Mary Phagan ended at 12:30 o'clock Saturday when court adjourned until 9 o'clock Monday morning. Herbert Schiff, assistant superintendent of the National Pencil factory was on the stand for the defense at the hour of adjournment and will resume under cross-examination by Solicitor Hugh M. Dorsey on Monday. During the cross questioning of Schiff, he and the solicitor had many tilts regarding the system of the factory office and were frequently interrupted by objections from Attorney Arnold for the defense. The solicitor put Frank's assistant through a grilling examination during the course of which he pressed the witness to change several answers he had previously made to the jury.

That Jim Conley, the negro sweeper who accuses Frank, feared the crowd gathered in front of the pencil factory following the murder of Mary Phagan and that the negro declared that he would give a million dollars if he had a white skin, was the declaration of Schiff, earlier during his testimony. Schiff also declared that the financial sheet made out in Frank's handwriting on April 26 was accurate and the handwriting of the accused superintendent was normal. Schiff works with Leo M. Frank in the office and assists in making up the weekly financial sheets.

He refuted the stories told by the negro Conley and C. B. Dalton that Frank frequently had women in the office on Saturday afternoons. Schiff declared that he had passed very few Saturday afternoons in the office during the period of the year and during the holidays he never saw Conley there.

Attorney Arnold registered another objection to laughter of spectators during the cross examination of Schiff. Judge Roan, the newspaper reporters and Attorney Arnold joined issue when the latter failed to tell him that he had seen Mary Phagan since the Thursday preceding the tragedy.

NEWSBOY CALLED.

Leo M. Frank, the accused, breakfasted early with his wife as usual in one of the rooms adjoining the court. Saturday morning, while the hundreds waited outside in a long line to gain admittance to the court. Ten minutes before court was due to convene, the lawyers and the judge were there and everything was ready for the trial to resume at 9 o'clock.

George Epps, the newsboy whose testimony that he accompanied Mary Phagan to town when she came to her death at the National Pencil factory has been attacked by the defense, was called to the stand as the first witness. Several efforts Friday to locate him proved unavailing, it being said that he was about his usual business of selling papers on the street. The defense subpoenaed him. C. B. Dalton was called before Epps, but did not appear.

Barefooted and coatless, the towheaded newsboy walked again to the witness stand.

"Do you remember the Sunday the body was found?" asked Mr. Arnold.

"Yes, sir."

"Do you remember Mr. Minar, a newspaper man, coming out there that night and talking to you and your sister?"

"Yes."

"Didn't he ask you and your sister when was the last time you saw Mary Phagan, and didn't your sister say Thursday?"

"I wasn't there then. I was in the house, but I didn't stay where he was talking."

"Well, weren't you there when he asked the question?"

"No, my father was there but I was not."

"That's all," said Mr. Arnold.

Solicitor Dorsey took the witness.

"Have you ever refused to come to this court when you were called?"

PLAYING BALL YESTERDAY.

"No, whenever you send for me I come right straight."

"Why weren't you here yesterday?"

"I got tired waiting, and you said you'd send for me if I was needed, and when I got home I found out that I was not playing ball."

"Did you call me last night?"

Mr. Arnold interrupted, saying that was not a proper question. Mr. Dorsey replied that Mr. Arnold had tried to leave the jury under the impression that this boy had run away and had refused to come to court when summoned. The question was not allowed, however, by Judge Roan. Epps was released, and John Minar, a reporter on the Atlanta Georgian, was called to the stand.

"Were you a reporter for the Georgian in April, Mr. Minar?" asked Attorney Arnold.

"Yes."

"Do you recall the finding of the body of little Mary Phagan on April 26?"

"Yes."

"During that day did you go to the Frank home in an endeavor to see little George Epps?"

"I did."

"What time did you go?"

"About 4 o'clock."

"Did you see this little boy and his sister?"

"I did."

"Did you attempt to get out of them—"

Solicitor Dorsey interrupted, objecting to any testimony as to what the sister said. Inasmuch as she had not been brought into the case, The Judge allowed the question, however.

"Did you get them as to the last time either one of them had seen Mary Phagan?"

"I asked them who had seen her last. The girl said she had seen her on the previous Thursday."

"When did George Epps say he saw her?"

"The boy said he saw her occasionally going to work in the mornings."

"Did he say anything about seeing her Saturday?"

"He did not."

"What was the last time that either one of them said they saw this little girl Mary Phagan?"

"Thursday."

"Did he claim or breathe a thing about seeing her after Thursday?"

"He did not."

Attorney Hooper cross-examined the witness.

HERBERT SCHIFF CALLED.

Harlee Branch, a reporter of The Atlanta Journal, was called, but was not in court at the moment.

Herbert Schiff was called as the next witness. He was assistant superintendent at the pencil factory when the murder was committed.

"Are you the assistant superintendent at the National Pencil factory?"

"I have worked there in several capacities."

"In what capacity were you working?"

"I was assisting Mr. Frank."

"What were your duties?"

(Continued On Page 4, Col. 1.)

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State Confronts Watchman Frank Frank Prepares Affidavit

Solicitor Dorsey Fiercely Attacks Evidence Given by the Witness For Defense at Afternoon Session

Also Implies That Watchman Was Trying to Fix Crime on Conley to Get Reward. Holloway Admits Signing Statement Produced by the Prosecutor—Other Witnesses for Defense Heard

After Solicitor Dorsey riddled E. F. Holloway, day watchman at the National Pencil factory, with volleys of questions regarding former statements made by the witness and which he could not explain or make plausible with his testimony Friday afternoon, court adjourned at 4:45 o'clock until 9 o'clock Saturday.

The solicitor also trapped the watchman and the witness for the defense. The solicitor also made the sensational implication that the body stabs found by Pinkerton in the factory was planted by Holloway himself. The solicitor further implied that Holloway was working for a reward and had turned up Conley for that purpose.

After Holloway had declared that Conley's character was good as far as he knew, the solicitor asked him about a paper he had signed previously stating the contrary. He admitted that he signed the paper. The solicitor asked the witness if he hadn't told the detectives he was to return to the factory on a certain day and he was sure they would find something. The witness denied this.

Deputy sheriff Friday afternoon searched Atlanta for George Epps, the little "newsie" who testified at the trial of Leo M. Frank that he rode to the city on the same car with Mary Phagan on the day she met her death in the National Pencil factory. The "newsie" called Friday morning, but was not in court and deputies were sent out for him soon.

When the afternoon session began Attorney Arnold again called for Epps, but he did not answer and Deputy Sheriff Plennie Minor told the court that search for him at his home in Bellwood Friday had been futile, but that his family had promised to send him to court as soon as he could be found.

An attachment was then issued for the "newsie" and officers are looking for him where he is accustomed to sell his "wantras." The testimony offered testimony by two street railway employees who manned the car upon which Mary Phagan rode into the city from Lindsay street on April 26, during the morning session, to refute the Epps boy's testimony that he was on the car, and it is expected that the little fellow will receive a severe grilling when he again takes the stand at the trial.

Court went reconvened at 2 o'clock. Attorney Arnold called for George Epps. He was not in court and could not be located around the court house. Attorney Arnold announced the incident.

"Our honor, we would like to have Epps here," said he.

Deputy Sheriff Plennie Minor explained that an effort had been made to get Epps in court Friday morning but he couldn't be found there, but the witness's father promised to send him to court as soon as he could be located.

An attachment was issued for the witness and officers are looking for him where he is accustomed to sell his "wantras." The testimony offered testimony by two street railway employees who manned the car upon which Mary Phagan rode into the city from Lindsay street on April 26, during the morning session, to refute the Epps boy's testimony that he was on the car, and it is expected that the little fellow will receive a severe grilling when he again takes the stand at the trial.

When court reconvened at 2 o'clock,

SCHIFF REFUTES TESTIMONY OF CONLEY AND DALTON

ffidavit

[illegible] Page 1.

[illegible] was committed? [illegible] was ended equally [illegible]

[illegible] anything do with the work and financial statement?

[illegible] you ever see the shadow of Leonard Dalton?

[illegible] Frank name?

[illegible] first time you met Frank?

[illegible] offer work?

[illegible] of the tragedy what happened?

[illegible] Frank left the factory in January [illegible] I went on the [illegible] before the tragedy [illegible] anybody in the office, [illegible] Saturday?

[illegible] to the first Saturday in [illegible] what do you mean?

[illegible] office with Frank.

[illegible] Frank get up the final [illegible]

[illegible] you get your mail?

Montag's.

What amount of cash did you and Frank usually get?

We handled the petty cash, range from $10 to $20.

Where did you keep it?

In the cash box in a drawer of the [illegible]

Where did you get the cash for payroll?

We got it on checks signed by Mr. Montag.

You went to the bank?

Yes.

You told in envelopes?

Yes.

You draw more or less than the payroll?

No, the exact amount to a penny.

You other items did you spend small [illegible] of the petty cash fund?

Some such as strange laborers on night watchmen, candles, and [illegible]

What time were you and Frank paid [illegible]

We drew our checks together about the last of the month.

About what time did you draw your checks?

I don't know when he drew his, but usually drew mine on the last day of the month although it sometimes went into a few days.

FRANK'S SALARY

Do you know what Frank's salary was?

I did. It was $15 a month.

What was your salary?

I got $12 a month.

I said Sig Montag was the general manager.

Yes.

Where did he stay?

He stayed at Montag Brothers'.

Who handed the money and paid the bills?

That was all done from Montag's?

Did you or Frank ever any checks in payment of bills?

We did not. Neither of us had the authority to draw checks.

What then, in a general way were your duties?

We attended to the manufacturing end of the business.

What did the finance sheet show?

It showed whether the week (arranged) ended in a profit or a loss. It showed the quantities of pencils manufactured, and the quantity on-hand and other details. The details of the business.

What time did the week start?

It started on Friday morning, and ended with the following Thursday night.

FINANCIAL SHEET

What else did you have to show on the financial sheet?

We had to show prices, shipping and amounts.

You say that the work started Friday morning and ended on Thursday night. What was it that you waited until Saturday to make up the financial sheet?

Because reports supposed to reach Frank Friday could not come until Saturday and because we had to include the payroll which was finished on Saturday.

How long has it been customary to make the financial sheet on Saturday?

Ever since the factory started.

How did you help Frank on it?

I usually got up most of the data, the factory records and reports of the foreman and footmen, record of shipments, records from the slat factory and totals of payroll.

Beginning from 1912 and up to January 1913 what Saturdays did you miss going to the factory?

None at all.

How about your vacation?

Oh, yes I was off the last week in July and the first week in August.

Except for these two weeks did you miss a single Saturday in that period?

No.

FRANK'S OFFICE HOURS

What time was Frank's office open on Saturday afternoons?

Usually he left at 12 30 and came back at 2 to 2 15.

How about Friday?

He usually left a little after 1 o'clock and returned about 2 o'clock.

To your knowledge Frank ever getting back first?

No.

Would you work until he came?

Yes.

And after you got there, how did you do?

We worked together.

Were you interrupted frequently by telephone?

Yes, people, often came on business, and sometimes people from Montag's would come.

Did you ever know of the door being locked on Saturday afternoons?

No.

OTHERS IN OFFICE.

Who else was there?

The office boy generally was in the outer office.

Did you ever have stenographers come back on Saturday?

No.

Who else was there?

As a rule, one of the machinists stayed in and Harry Denham would work on the fourth floor, and a negro named Pride would work there, and sometimes Mr Wilson.

How about Holloway?

He usually stayed around the time clock until relieved by the night watchman, or about 6 30.

Did you ever be a negro night watchman?

Not until Newt Lee came.

Who was the watchman before him?

The negro named Pride.

How long did it take you to get up the financial sheet?

It depended on the number of interruptions.

What time did you usually leave the factory on Saturdays?

About 5 30 o'clock.

By yourself?

No, with Frank.

MISS FRANK'S VISITED OFFICE.

Did Miss Frank ever come to the factory on Saturday afternoons?

Quite often.

Did you ever see Jim Conley on Saturday afternoon?

No.

Did you and Frank ever have any women up there?

No.

Is there a bed, a cot, a lounge, or a thing or anything else like that, in the building?

No, my attention has been called to a little bed in the basement which has no connection with our factory. I mean this matter came up.

Would anyone the witness to repeat that he had missed no Saturday except on his vacation.

Were you there the first Saturday in January?

I left the city about 1 15.

Were you there at the factory most of the day?

Yes.

Who else was there?

Yes, it was the fellows. We stayed there until 5 minutes to train time, and several of them and Mr Frank went to the train with me.

Do you know the man Dalton?

Never saw him.

KNEE HOPKINS GIRL.

Do you know Inez Hopkins?

No.

Where did she work?

On the office floor with about ten other girls.

Do you remember when she left?

No.

Mr Arnold handed to the witness the factory pay roll and asked him to refresh his memory from it as to the time she left. The witness looked through the pay roll and remarked "Her books begins on May 3, 1913."

When does Inez Hopkins name appear last?

"On the week of June 4, 1913."

What day of the week was that? "She worked two days, Friday and Saturday."

Do you know this woman personally?

"I know her if I saw her."

Did you ever see her some lunch on any Saturday afternoon after she quit the factory, alone or with anybody else?

I did not.

How long did Frank remain in the pencil factory on the first Saturday in January?

"Till we went to the train with me in the evening."

ANOTHER THANKSGIVING?

Do you remember last Thanksgiving day?

I do.

What kind of a day was it?

It was cold and snowing.

Were you at the pencil factory that day?

I was.

Who else was there?

Mr Frank was there, and the office boy, and I think Jim Conley come back.

Did the jury the conditions under which Conley came back.

Yes, I was told he had to be cleaned up, said the witness facing the jury, and I told him to come back and do it. I put him and the office boy at work together.

Were were you and Frank at this time?

We were in the office.

When did Frank leave?

About 12, we went together.

When did Conley leave, to the best of your recollection?

About 10 o'clock in the morning.

Do you remember anything that Frank had to do that day?

Yes, he went to a Rural Birth fair. He was president of that organization, wasn't he?

Yes.

Were was the fair?

In the Virginia Home.

You helped to carry some bundles to the car for him, didn't you?

Yes, sir.

SCHIFF PAID OFF APRIL 25

What time did he get on the car, to the best of your recollection?

About 12 15 p. m.

Who paid off on Friday, April 25?

I did.

Where did you pay them?

In the office.

Do you recall Helen Ferguson getting pay?

I do.

Do you remember her or anybody else waiting to get Mary Phagan's pay envelope?

No, sir.

Whom would she have had to ask, or does you get it?

No. She would have had to bring a note.

Is that the rule regarding relatives getting pay for anybody?

Well, if we knew their faces we might give it to them.

NONE ASKED FOR MARY'S PAY.

Did you see anybody go to Mr Frank and ask for Mary Phagan's pay?

I did not.

Was there any reason for going to him?

No, sir.

How many people did you pay off Friday?

Well, we had 180 envelopes when I started, and I think there were about 15 or eight left.

Now that Friday night, when did you and Frank leave?

We left together, about 5 or 5 30 o'clock.

In answer to questions the witness said that he did not get up his usual pass on that Friday because he had to fix up the pay roll that day. "This time more work on Frank," said the witness, because he had to do on Saturday the work usually did on Friday, before he could start on the financial sheet.

WHY HE WASN'T THERE APRIL 26.

Did you intend to come to the factory that Saturday morning?

I did.

Did you come?

I did not.

Why?

I overslept.

It was a holiday anyhow, wasn't it?

Yes.

Did Frank or anybody else call you up at your home and ask for you?

Yes, they called me up, but the maid answered the phone.

Attorney Arnold directed the witness attention to the diagram of the pencil factory introduced by the solicitor. Mr Arnold asked Schiff if the diagram showed Frank's office or the outer office to be larger. The witness replied that it showed the outer office larger.

As a matter of fact, which of these two offices is the larger?

Frank's office it's about twice as large.

Is the elevator as far from the office as the diagram shows?

The elevator is directly opposite the time clock. This diagram shows that it's nearly as far back as the staircase.

Then that's an inaccuracy?

Yes.

MODEL OF FACTORY.

The model of the factory was brought into court.

Are you familiar with this door into the "Park Woodward's drawing room?"

Yes.

Did you notice this door after the tragedy?

Yes. I noticed it two or three days afterward.

Was it open or shut?

It was cracked.

Is there a hole there in the wooden ware department?

Yes. It is a sort of a built-up hole in the floor, where a machine was operated formerly.

Is it open?

Yes.

Is there no lid?

None at all.

Is the opening down through that whole big enough to put through the body of a girl the size of Mary Phagan?

Yes.

Do you recollect that hole ever being nailed up?

I do not.

If a body was pushed down through that hole there would it stop?

It would go and would stop on the pillars below.

THE CHUTE

This first sheet here, shows in the model, does it stay open?

There was no danger of anybody falling through it. It was protected by a square banister about waist high.

The model then was removed from court. Attorney Arnold began to question the witness in detail concerning the finance sheet which Frank claimed to have made out on Saturday afternoon, April 26.

Look at this paper. Do you recognize it?

I do.

What does it show?

It shows the sales, the grade, and the amount of pencils packed in our factory during the week ending April 26.

When did Frank first know that you hadn't gotten up for work?

On Saturday morning I suppose.

How long did it take you and Frank to finish the financial sheet?

About three or four hours.

How many different kinds of pencils were manufactured in this week?

"It is the sheet for that week."

SHEET FOR A SINGLE WEEK.

Have you been into those figures to see if he carried into the sheet the data you left there for him?

I have.

Are the figures accurate?

They are.

Attorney Arnold asked the witness to explain a number of the items at the top of the finance sheet. The witness explained that the first items represented fixed charges, such as rent, light and power, insurance, etc.

Do you tell us what that item is?

"It shows 7 144 and a half gross."

What is that?

That is the number of gross of pencils manufactured that week."

Are his figures correct according to the data compiled by you?

They are."

What does Mr. Frank have to do to get that item?

He had to go over about thirty sets of figures.

How many different kinds of pencils were that classified on the sheet?

The witness glanced down the sheet and replied that he found thirty-five different kinds.

How long would it require to make out that finance sheet containing that many classifications?

"I never timed it exactly".

VERY CAREFUL WORK.

"What is necessary to be done in order to arrive at the figures shown on the finance sheet?

"Addition, multiplication and subtraction."

Attorney Arnold then went into minute detail with the witness in an effort to show that making out the finance sheet was a very complicated and tedious task. He showed among other things that in addition to classifying each and every grade of pencils manufactured during the week, he must classify also each grade of rubber plugs used during the week, each grade of tips used, and each grade of lead used, together with the amount of lead.

Schiff said that he had never known of the sheet showing a loss, sometimes it, less than three and a half hours. Usually it took three hours or more, said he.

HANDWRITING NORMAL.

He identified the financial sheet made out on April 26 as being in Frank's usual and normal handwriting. He declared that he had checked all of the calculations and found them correct.

He compared it with the financial sheet of the week before, also in Frank's handwriting, and said there was no difference in the writing. No surprise was shown by the writing, said he.

Attorney Arnold produced the permanent record of the factory, showing all the financial sheets, which are bound and kept in the safe of the factory. He commenced with the factory week ending May 30, 1913, and showed such sheet to the witness, who declared that they were all in Frank's handwriting.

From the week ending May 30 through the week ending January 3, 1913, with the exception of July 25 and August 1, the witness declared that all the sheets were made by Frank in his presence on Saturday afternoons in the factory. From January 3 through April 23, he declared, all the sheets were in Frank's handwriting although he was not present when they were made.

The cash book was shown to the witness in it were found records of petty receipts and disbursements around the factory. There was a balance of cash on hand, in that account, of $25.54 on the Saturday of the murder, said the witness.

"Where was this cash kept?"

"In the little cash box."

"Is not Frank's money was it?"

"No, it belonged to the company."

TECHNICAL MATTERS

The witness was asked a number of questions about a technical matter regarding the accounts in the cash book.

The original cash book order book was produced before him, and numerous questions regarding it were asked and answered. He stumped from time to time preliminary calculations had to be made before the financial sheet could be drawn. He identified eleven orders in the book, in Frank's handwriting, entered on Saturday April 23, he testified that there were no errors in the entering of the orders, for the goods sold and their destinations as he knew, no complaints having been received of their non-delivery. They had not been filled properly, we would have heard from them long before now, said the commercial traveler.

After finishing with the questions concerning the orders received on April 26 and duly entered by Frank, according to the witness, Attorney Arnold asked the witness where Frank got these orders. Frank got them at Montag's, said the witness. This reply Solicitor Dorsey objected, unless the witness could testify if his own knowledge. Attorney Arnold changed the question.

WENT TO MONTAG'S FOR MAIL.

"Was any of these orders in the office when you left there Friday afternoon?"

"No."

"Where did Frank go usually to get his mail?"

"He went to Montag's."

"Did Frank ever write there in the office on Monday, duly entered?"

"I did."

"Was shipped the goods called for in the orders?"

"Yes."

"You received no complaints from any of the firms to which you shipped the goods?"

"None whatever."

"Was any of these orders in the office when you left there Friday afternoon?"

"No."

"Where did Frank go usually to get his mail?"

"He went to Montag's."

"Did Frank ever write there in the office on Monday, duly entered?"

"I did."

"Was shipped the goods called for in the orders?"

"Yes."

"You received no complaints from any of the firms to which you shipped the goods?"

"None whatever."

"Was any of these orders in the office when you left there Friday afternoon?"

"It was."

Attorney Arnold questioned the witness as to his movements, on Sunday, April 27.

Did you identify the body of Mary Phagan?

"I did not."

Did you know Mary Phagan?

"I knew her by sight, but I don't be positive that I knew her by sight."

FRANK NOT SCRATCHED.

"Did you see any scratch or bruise on Mr. Frank on Sunday?"

"There was not."

When anything went wrong at the factory, did it affect Mr. Frank?

"It affected him very much. He is a man of very nervous temperament. When anything went wrong he would get excited and run back and forth and have his agitation in various ways."

"Just what did Mr Frank do to manifest his nervousness?"

"His hands would shake like way," illustrating.

"Was it unusual for Mr. Frank to get nervous?"

"No."

"Do you remember a child that had been run over by a street car, and do you remember how Mr Frank acted?"

"Yes, he came in very much shaken. I had to give him some ammonia and he was not much good the rest of the day."

At this point Attorney Arnold asked the solicitor for the notes found beside the body of Mary Phagan.

WHAT HE KNOWS OF CONLEY

Do you know Jim Conley?

"Yes."

How long have you known him?

"About six years."

What sort of a negro is he?

"There is very little to him."

The trial proceeded when Attorney Hooper objected on the ground that it was a cross-examination. Attorney Arnold changed the form of his question and proceeded as follows:

"What kind of work did Jim Conley do?"

"Among other things, he trucked goods around the factory and ran the elevator some."

Do you know Jim Conley's general character for truth and veracity?"

"Yes."

"What is it?"

"Bad."

"Would you, knowing his character, believe him on oath?"

"I would not."

"Would you believe him on oath or off of oath?"

"No."

At this point Solicitor Dorsey turned over to Attorney Arnold the note found by Mary Phagan's body Mr Arnold exhibited the note to the witness and asked him the question:

"Where in the factory can be found paper like this?"

"All over the plant."

"Why all over the plant?"

"We do not give good expensive letterheads to the employees. When they call in for some extra memoranda in their work, we furnish them these cheap written tablets."

TABLETS ALL OVER FACTORY.

"Are the remainder of the writing tablets like John the trash?"

"Yes."

"At what places in the plant can these writing tablets be found?"

"From the roof to the cellar."

"Do you know the yellow paper?"

"That is a duplicate order sheet of an old series which was not in use at the time of the tragedy."

"Where were they to be found?"

"Well, a foreman named Becker left a number of them on the fourth floor, and there were some in the office. They were accessible to anybody."

Attorney Arnold said he had overheard a telephone conversation between Frank and a Mr. Kreenhach on Friday, the day before the tragedy. The witness said that he remembered talking about a conversation between the gentleman of the words of the conversation was hazy.

The witness admitted that a person sitting at Frank's desk could see about half of the factory clock on the left. No the sitting there could see the stairs going down to the first floor, said the witness, and also the door of the office. In open, said, he, "one could see only the wall in the lower office, and a person sitting at Frank's desk could not see out at all." He said that a person of Newton Bloyer's height could not see over the safe door.

DIDN'T SEE MARY'S PURSE.

During work hours the safe door usually stands open, he said. He saw the safe Monday, he said, and went through it, and did not see a mash bag there. The only pocketbook he saw was in the safe, he said, was one containing 45 cents, which was found by an employe on the sidewalk two years ago. Schiff said that he saw Jim Conley in the factory Monday or Tuesday.

On Tuesday morning while Frank was in the factory he was with him constantly and went to the fourth floor with him and did not see him speak to Conley. Everybody was excited Monday and Tuesday, and one of the foreladies went into hysterics, crying out that they shouldn't take him (referring to Jim Conley).

CONLEY FEARED CROWD.

He remembered seeing Jim Conley in the adjoining room. "What was doing here?" the witness said he asked. Conley replied, he said, that he was afraid to go out and would give a million dollars if he was a white man.

Schiff said he told the negro that he had nothing to be afraid of and to go on about his work. Schiff said it "is very dark on the first floor of the factory around the elevator, so that he could never know Frank in shut or look in office doors. There are glasses in those doors, he said.

Attorney Arnold asked him a number of questions relative to the time clock and the time clock. He stated that the door of the shaft could be pushed up and it would be a simple matter for anyone to enter the shaft. The elevator shaft is running said he, and stops at the basement with a thud. He said that the door of the room is distinct.

The motor boy has not been locked, that he knew of since the complaint was made by the insurance people before the tragedy.

The witness said he often got after Jim Conley for failing to punch the time clock, but that he did not indulge him and docked him each time.

Schiff said that he often had seen blood spots in the elevator and in the factory. Employes often got their fingers cut, and it was a rule that they should come to the office to have their wounds bound up. He said that he saw the blood spots which Barrett described and the hair. He said that he saw Jim Conley when Conley pointed out the place where he claimed to have found the body, and that there was no blood there. The place was dry, he said. He said he did not recall the metal room floor being been scrubbed in four years.

Solicitor Dorsey took up the cross-examination of the witness.

DENIES CONVERSATION.

"Did you talk to Detective Gheesling Sunday, April 27?"

"I did not. I was not there."

"When did you talk to him?"

"Sunday afternoon about 4 o'clock."

"Did you tell Gheesling something about Mary Phagan, didn't you?"

"I did not."

"Where did you get that information?"

"I said I didn't tell him that."

Attorney Arnold entered an objection to the witness subject. Judge Rosser said: "Mr. Dorsey, he denies he ever said it. I rule it out."

"Well, you knew about Mrs. White claiming to have seen a negro at the bottom of the stairs when she left the factory, Saturday. Didn't you?"

"I did."

And Sam Newbill a private detective, who is somewhat of a character, you hired the Pinkertons, wasn't he, and you didn't tell him anything about it, did you?"

"He was there, but we hired him as night watchman."

"When did you hire him?"

"On the Sunday afternoon after the murder."

Didn't did you first tell the city detectives about this?

Attorney Arnold objected. He said that Detective Scott already had sworn that he told the city detectives about it.

NOAH SURTAINS OBJECTION

"Your honor, I want to show that the factory people never told the police of this fact," said the solicitor. Judge Rosser sustained the objection, however.

"On Monday, how many times did Frank telephone to you to get the Pinkertons?"

"Three or four times, I think."

"Was he excited?"

"At home."

"Was the factory full of detectives when he telephoned—city detectives?"

"I don't know. I don't think so, though. I think the first time they came Monday was when we telephoned about finding the body."

"When was the first time Frank talked to you about getting the Pinkertons?"

"About 12 o'clock, I think."

"What did he say?"

"He told me to see Mr Montag and tell him that he thought we ought to have the Pinkertons to find the murderer, in justice to our employes."

"When did he phone again?"

"About 12 30 o'clock, I guess."

"What did he say that time?"

"Well, he asked me if I had seen Mr Montag yet, and I told him that I hadn't."

FRANK 'PHONED OFTEN.

"How long was it before he telephoned again?"

"It was just a little after 1, then. "You said Frank talked a great deal, and tried to explain his nervousness on the morning the body was found, didn't you?"

"I didn't say 'talked a great deal.'"

"Didn't you say he tried to explain it?"

"Yes, I said that."

Solicitor Dorsey picked up a signed statement made previously by Schiff and asked: "Didn't you state in this that Frank referred to his nervousness and tried to account for it?"

"I didn't say she brought the subject up, though."

"But what did Frank say on occasions when he referred to this fact?"

DOESN'T REMEMBER.

"I don't remember exactly. I think one time, though, he spoke of how awful the girl looked as he descended, and told that they had taken him into a room where the body was and had leaned on a light suddenly."

"What did Frank say the detectives told him when they called him over the phone on the morning the body was found?"

"I don't remember."

"Was your memory better on May 12 than now?"

"On May 12? I guess it was."

"Could Frank tell you that he asked the detectives if there was a fire at the factory?"

"Yes, he said he asked if there was anything wrong there."

"What did Frank say about his breakfast?"

"He said it was one reason why he was nervous—he hadn't had any."

"You've been without a stenographer for quite a long time, haven't you?"

"Yes."

"As a result of this, what was the condition of the work?"

"The work has accumulated to some extent."

"Do you do any billing?"

"No."

"Who does?"

"The stenographer. Mr. Frank has made out bills from the checking sheet."

FRANK'S SATURDAY WORK.

"Frank doesn't do any typewriting, does he?"

"No, sir."

"What work was there for Frank to do on Saturday afternoon with reference to this financial sheet,—

"Enter the orders and make requisitions."

"You know that Miss Hall entered the orders, don't you?"

"I do not."

"Was was the first time you saw those orders entered on that book?"

"Monday or Tuesday."

"Didn't you say before the coroner that you saw them on May 3?"

"I said that I was sure, if when I first entered something myself."

"How long would it take to enter these orders into the book?"

"About an hour, or an hour and a quarter."

"And to make the acknowledgments at the same time?"

"Yes."

"Didn't you say before the coroner that it would only take a half an hour?"

CROWD LAUGHS.

Attorney Hooper objected. Solicitor Dorsey declared: "He (the witness) knows what I want!" There was audible laughter in court. Attorney Arnold jumped to his feet. "Your honor, I am going to continue to clear the court if this hn't stopped. I don't know who is instigating this but these people are not participating in this trial, and they should be made to preserve order."

Judge Rosser commended the sheriff to bring any person before him whom he caught laughing or creating any kind of disorder.

"Didn't the coroner ask you how long it took to enter these orders, and didn't you say 'not over a half an hour'? Tell the jury what you say an hour and a half."

"I said it took a half an hour simply to enter the orders."

"You have that Miss Hall made the acknowledgments, don't you?"

"No, I do not."

"You know that Miss Hall did it if she was there, don't you?"

"I do not."

"If Frank did make the acknowledgments, how long would it take him to do so?"

"Not over five or ten minutes."

"Well, do you mean to tell us that an hour and a half to enter eleven orders in the book?"

"You mean to enter them, transcribe them and copy them?"

"Yes, to transcribe them and copy them."

DORSEY GETS IN EVIDENCE.

Mr Rosser objected again to the questions. Solicitor Dorsey put a new question.

"Now tell the jury what you stated to Detective Scott an hour and a half to do."

Mr. Arnold objected to this question.

"All right," said the solicitor. "Mr. Witness, come down here in front of the jury and take this book and show your finger on the beginning of this entry, and a half of work, and establish just what Frank did during that period."

The witness went through the book, pointing out the work which he said Frank did on that Saturday.

"Was any of that work done on Fridays?"

"No."

"How do you know?"

"Because I was there."

"Was any of that work done on Sundays?"

"No."

"How do you know?"

"Because I was there."

"Then it was not done at all, if I left Friday night."

The solicitor, pointing to the orders, demanded "How long with this data before him could it take Frank to enter these orders in the book?"

"Half an hour."

"You think it would take an expert accountant less than 30 minutes to write down eleven short orders?"

"I don't say he was an expert."

"Well, he makes out all the financial statements, does he?" And none has be a made out since he's been in jail?"

"Yes, he makes out the statements. None have been made out since he's been in jail."

SHAKES FINGER IN FACE.

Attorney Arnold suggested that the witness should take the chair, that the witness and the witness were "lowering" at each other and had that finger in each other's faces and they might fight. Solicitor Dorsey objected the interruption. The witness remained in front of the jury box.

"You tell us that you never watched Frank enter the orders?"

"I said I'd never timed him."

"Then, it is a mere guess as to how long it would take him?"

"Yes."

"Then it may have taken thirty minutes, or it may not have taken him but fifteen minutes?"

"Yes."

"What else was there to do beside enter these orders?"

"Transcribe them and acknowledge them."

"Didn't Miss Hall do that?"

"She only acknowledged them."

DIDN'T ASK ARCHIE.

There was some argument between the solicitor and Mr. Arnold as to the next question he asked the witness. The solicitor stated that he desired to show that Miss Hall did this work Saturday, the work Saturday morning, April 26, that he had asked her telltale on it to show that she had done it, and that it went on out to Mr. Schiff. The solicitor desired to show that Mr. Frank had made to indicate to the witness that the work was done on Saturday morning.

"What is the regular way about acknowledging these orders?"

"Two or three ways. Sometimes the orders are acknowledged before they are filled."

"When, in the usual orderly way, did Frank first enter the orders on this book?"

"There was no certain first step in the process."

"Then you had no system at all?"

"Yes, but in this transaction one thing doesn't hinge on another."

"What is the usual custom with reference to these orders?"

"There was no usual custom."

ANOTHER TELL ABSENT.

"If Hattie Hall had anything to do with writing these things it was done Saturday morning, was it not?"

"Yes."

"How do you know?"

"I think so."

"Did you see her?"

"I said that I was sure, if when I first entered something myself."

"Then you did not see her?"

"No, sir."

"The stenographer put down the value."

"Show the jury where and how you put the value down on these books."

After the witness had done that, court was adjourned at 12.35 until Monday morning at 9 o'clock.

SEABOARD NAMES LOW RATE TO BALTIMORE

$20.85 round trip, on sale August 11-23-24. Proportionate rates from other points. New Steel Diners and Sleepers. Ticket Agents.—(Advt.)

$1.00 WARM SPRINGS AND RETURN VIA A. B. & A.

Every Sunday in August. Leave Union Station 8 a. m.—(Advt.)

Agnes Scott College
Decatur (7 Miles From Atlanta) Georgia
Session Opens Sept. 17th
For Catalogue and Bulletin of Views Address the President,
F. H. Gaines, D. D. LL. D.

CLEVELAND
THE SCENIC WAY WITH DINING CARS
L&N

SHERIFF SALES FOR SEPTEMBER, 1913.

With the exception of the property of the Atlanta Home for Incurables, which will be sold on the first Tuesday in September, the sale of which property was ordered by the Superior Court of Fulton county, and the property of Fulton county, as the property of Fulton county, as the property of the Atlanta Home for Incurables, on the first Tuesday in September, 1913, will be sold on the first Tuesday in September, 1913, the following property will be sold, to the highest and best bidder for cash, at the courthouse door in Atlanta, Fulton county, Georgia, within the legal hours of sale, to the highest and best bidder for cash, to the following described property:

Also at the same time and place the following described property, levied on and to be sold as the property of Fulton county, to satisfy the following fifty-seven (57) fi fas, issued from the city court of Atlanta in favor of W. M. Hoke, Trustee, against the property of S. W. Foster. Property pointed out by plaintiff's attorney, Tomlin & Jones, Attorneys.

Also at the same time and place the following described property, levied on and to be sold as the property of Fulton county, to satisfy the following fifty-seven (57) fi fas, issued from the city court of Atlanta in favor of J. D. Smith vs. Lucius Thomas, Trustee. Property pointed out by plaintiff's attorney, Tomlin & Jones, Attorneys.

Also at the same time and place the following described property, levied on and to be sold as the property of Fulton county, to satisfy the following fifty-seven (57) fi fas, issued from the Fulton superior court in favor of Mrs. Ella Dillard vs. Lucius Thomas, Trustee. Property pointed out by plaintiff's attorney, Tomlin & Jones, Attorneys.

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LEGAL NOTICES.

NOTICE

NOTICE is hereby given that the undersigned, as guardian for Janet and Clifford B. Jones, minors, will, on Monday, September 8th, 1913, 9.30 o'clock a. m., in front of the courthouse in the superior court of Fulton county, Georgia, for an authorizing the sale for re-investment of the undivided one-half interest in and to the 14-4 shares of the common capital stock of Jones-Lyle-Sadler Company, and selling the property of said minors. CLIFFORD B. JONES, Guardian of Janet and Clifford B. Jones, Minors.

BOOBS ABROAD.—By Goldberg.

AFTER SPENDING A FEW DAYS IN HOLLAND YOU KNOW WHAT IT REALLY MEANS TO BE IN DUTCH.

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FOOLISH QUESTIONS—NO. 2,468,603.

IN THE REAL ESTATE FIELD

(Continued from Preceding Page.)

[illegible]

BOND FOR TITLE

[illegible]

BOND FOR DEED

[illegible]

LOAN DEED

[illegible]

BUILDING PERMITS

[illegible]

WARRANTY DEED

[illegible]

BOND FOR TITLE

[illegible]

QUIT-CLAIM DEED

[illegible]

LOAN DEED

[illegible]

MAYOR PUTS THE BRAKES ON CITY'S EXPENDITURES

Urges Finance Committee Not to Appropriate Unless Money Is in Sight

At city hall of Mayor Woodward, the finance committee of the city held an executive session at 11 o'clock Saturday morning in the mayor's office. It had been stated that the committee was to take up the dispute between the park board and Dan Carey over an expenditure of $800, but Mayor Woodward declared that matter was not mentioned at all.

The mayor stated that he called the committee together to warn them not to appropriate obligations unless they had the money for the appropriations. The revised adding of $13,226.74 to the June appropriations was not prompted the mayor to advise with the committee.

"The city," said Mayor Woodward, "is $700,000 in debt, and I propose that we shall have a clean business sheet at the end of my term. And I do not propose to approve the expenditure of a dollar unless the funds are in sight. I merely wanted to inform the committee of my attitude, and to ask that they look in the future when making appropriations."

The meeting was perfectly amicable, said the mayor, and he was thoroughly satisfied as to the additional $13,226.74.

W. H. Inman, president of the board of education, went to the meeting to ask for an appropriation of $800 for coaching up sewerage at the Battle Hill school.

Owing to the fact that the committee held an executive session, Colonel Inman did not secure admission, though one of the committee came out to hear what he had to say.

"The sanitary department," said Colonel Inman, "has ordered that the school be connected with the city sewerage, and we have no funds with which to make the connections."

The matter will come before council at its next meeting, according to the mayor.

ORGAN CONCERT FOR VISITING DELEGATES

A distinctly light and popular program for the benefit of the visiting druggists and their manufacturers will be rendered at the free organ concert Sunday afternoon, at 3:30 o'clock, in Atlanta, under the auspices of the Atlanta Music Festival association.

A wonderful series of variations on the melody, "Old Folks at Home," will be a striking feature of the program. There will be a brilliant military march, a composition of Harry Rowe Shelley, with imitative passages of trumpet and drums. Another special feature will be Neviin's "A Day in Venice." The only piece of classical music on the program will be the Prelude to Lohengrin, a composition whose beautiful harmonies appeal to all ears.

A special invitation is extended to the out-of-town folks who are attending the merchants and manufacturers gathering, and in fact to all visitors the concert is free.

[illegible]

MEDICAL PRACTICE BILL IS PASSED BY THE SENATE

Makes Sweeping Regulations and Will Stop Quackery, It Is Claimed

The medical practice bill as amended by the house passed the senate by a unanimous vote Saturday. The bill was introduced in the senate some time ago by Senators Richardson and Longino and Senator Richardson and Longino and Senator Richardson. It was then sent to the house, where, after certain amendments, it was passed Friday, and it has now only now to make it a law is the governor's signature.

The bill carries sweeping regulations of the practice of medicine in Georgia. Its advocates claim it is aimed mainly at quackery, and is for the protection of public health.

It provides for a state board of medical examiners composed of ten members, five of whom shall be allopaths, five electic or homeopaths. No doctor may practice in this state without first applying to the board, but this does not apply to present practitioners.

The salaries of the board are to be paid from a fee of $10 to be assessed each candidate coming before the board. The members of the board shall be elected by the governor. The requisites for membership are to have practiced five years in Georgia and not to be connected with any medical college. The governor is to select the board within thirty days after the passage of the bill, and they are to elect their president, vice president, secretary and treasurer.

Under this bill Christian Scientists can practice in the state, but cannot accept fees. The bill also authorizes the board to let physicians who are given to intemperance or the use of narcotics, also those who perform criminal operations or promise to cure incurable diseases.

Any doctor who practices in violation of the provisions under which this act is instituted shall be punished for a misdemeanor, and be liable to a fine of $100 to $1,000 or imprisonment from two to five years.

The senate Saturday morning passed the ition bill providing for the establishment of bakeries, canneries, butcher shops and all other food producing concerns, by a vote of [illegible] to [illegible]. The bill [illegible] sanitary conditions [illegible] to prevent the spread of disease.

The bill carries with it no provision for appropriation, but simply gives inspectors already employed by concerns, like the power to better enforce the cleanliness of all places where food is kept in the open and is required that flies are not allowed to fester it.

The sentiment of the majority of the senators was summed up when Senator Stats said that the reason he wanted the bill was because he "didn't want to eat germs." Senators Harrell, Rex, Gregory and Cliff voted against it, claiming that it would be a law impossible to enforce in the rural communities.

The senate passed the resolution of Senator Cliff asking the United States congress to appropriate funds for preserving old Fort Frederica on St. Simons island.

The Thompson bill providing commission government for the city of Rome was passed by the senate, and now only needs the signature of the governor to become a law.

The senate passed Senator McNeil's bill requiring all railroads to erect safety bridges at public crossings, to bill making it a misdemeanor for a person to draw a check when he has no funds in the bank to meet it, was under discussion when the senate adjourned at 12 o'clock Saturday afternoon, to meet again at 10 o'clock Monday morning.

DIGGS TRIAL GOES OVER TILL TUESDAY

(By Associated Press.)

SAN FRANCISCO, Aug. 9.—There was no testimony in the trial of Maury I. Diggs, alleged violator of the Mann white slave law, in the United States court taking up Saturday morning, and as Monday is law and motion day the case is not to be resumed until Tuesday.

Titanic Lookout Dead

(By Associated Press.)

LONDON, Aug. 9.—Reginald Lee, one of the two sailors in the lookout when the White Star liner Titanic met disastrous collision with an iceberg a year ago last April, died yesterday at Southampton.

State Confronts Holloway With Previous Affidavit

(Continued From Page 1.)

Darley left, and that Frank was gone about 40 minutes?"

"Well, that was all guess work."

"You put your name to this statement, didn't you?"

"Yes."

"Then you did say that?"

"Yes."

"Well, why do you say now that he left there at 3:30?"

"I didn't recollect the time exactly."

"Your recollection ought to have been better than that, you ought'n't it?"

Mr. Arnold objected, declaring that the question about his recollection was not relevant or material.

WITNESS GROWS CROSS.

"I want him to give to this jury a reasonable explanation of why he read over and signed this paper stating one thing, and now comes and swears to another story."

"Your memory is better now, isn't it?" inquired the solicitor of the witness.

"Not a bit," growled the witness.

"What did you say about getting a reward for turning up Conley?"

"I never said anything of the kind!" shouted the witness.

"Well, what did you say about it?"

"A day or two after he was arrested I told Clark or some of the detectives that if this negro was convicted he is my negro."

"And you knew all about this $1,500 reward that newspapers were publishing?"

"I certainly did."

"When were you accustomed to leave the factory on Saturdays?"

"Generally about 4:30 o'clock."

"Didn't you tell me that if there were girls in the factory on Saturday afternoon that you would be in a position to know it because you remained there until about 5 o'clock? Didn't you say 5 o'clock, Mr. Holloway?"

TRAPS HIM AGAIN.

"If I said 5, I meant 4."

"If you mean 4, what did you mean that now when you said 4:30?"

The witness said that was a slip of the tongue.

"Then you say, Mr. Holloway, didn't I, if you were ever away from the factory on Saturdays, holidays or otherwise?"

"I meant 4 o'clock on Saturdays except holidays."

"And you told me that negroes did work in the factory on Saturday afternoon up to 11 months ago?"

"Yes."

"How long has Conley been there?"

"About two years."

"Did he work regularly, along up in April 25?"

"Except when he was in the stockade."

"How long ago since he was in the stockade?"

"Last year some time."

"Was that jim a number at the factory?"

"I have forgotten."

FORGETS CONLEY'S NUMBER.

"Do you mean to tell me that you, who kept the time for the factory employes, have forgotten the number of a man who has been working there for two years?"

"Yes, sir."

"Oh, if it was No. 51, wasn't it, Mr. Holliday?" asked the solicitor, manifesting much patience.

"I don't know."

"You won't swear that it wasn't?"

"No, sir."

Obtaining a number of factory time slips from Attorney Arnold, the solicitor handed them to the witness, commanding Mr. Holloway, take those slips and point out the record of No. 51. You say you kept close tabs on those factory employes. How did you do so if you didn't know their numbers?"

The witness did not reply. He was unrolling the time slips. The solicitor again directed him to indicate on the time slips the registrations by No. 51. Instead of complying with the request, the witness said "I ain't got dy glasses and I can't see without them."

Solicitor Dorsey took the time slips back and laid them on the table.

"You are sure Mr. Conley worked steadily for fully sixty days prior to April 25, and that he registered every day?"

"Yes, sir. He registered every morning. Sometimes he registered at dinner time. Sometimes he didn't. Sometimes he failed to register at night."

"You admit that Walter Pride worked frequently on Saturdays, don't you?"

"Yes, sir."

"He's a negro too, isn't he?"

"Yes, sir."

SAYS DOOR WAS OPEN.

"Did you say that on Monday after the murder you noticed that the door leading from the pencil factory entrance into the woodenware company's place was open?"

"Yes, it was."

"Why Mr. Holloway wasn't that area in front of the door piled up with all sorts of boxes?"

"There were four or five cases there."

"There was such a large pile of boxes you couldn't see the door, wasn't it?"

"I could see the door. There was some boxes piled there."

"Why, these boxes were piled all the way around from the steps toward the elevator and in front of the door, weren't they?"

"I could see the door, all right."

"Who nailed that door up?"

"I did, on Monday."

"Was that before or after Darley nailed it up Mr. Holloway? He said he nailed it up three or four days after the murder."

"Monday, Mr. Darley told me to get my hammer and nails and nail up the door. We never let that door stand open."

"Mr. Holloway, on this Monday everything in the factory was in a turmoil; officers were going through the factory; business was at a standstill. Now, do you mean to say that with this state of affairs, you nailed up the door?"

"Yes."

"Darley told you to nail it up?"

"Yes."

"Wasn't this door open because the officers were looking around the factory buildings?"

"I don't know."

"Didn't they open it?"

"I don't know. It might have been opened on Sunday. It was not open on Saturday, I know, when I left the factory. It was nailed up then."

"On Saturday, boxes were piled up all around and in front of it. weren't there?"

"There were five or six boxes piled there."

The solicitor continued to grill the witness.

"Don't fancy ladies sometimes wear shoes with white tops when there's snow on the ground? Don't fancy ladies wear most anything?"

Mr. Arnold objected on the ground that the witness was not qualified to expert. Mr. Dorsey said that Mr. Arnold had questioned him along the same line, and waived the question, after saying that "fancy ladies wore the kind he contended entered the factory on Saturday afternoon."

WITNESS RATTLED.

"Don't you know that frequently on Monday morning there were bottles were found around on the floor near the office?"

"At that time?"

Mr. Dorsey shouted, "Monday morning, I said!"

The witness hesitated some more, and finally blurted out, "No!"

Mr. Dorsey smiled and passed to another subject.

"Weren't you and Darley very strict about negroes being in the factory after work hours?"

"Yes."

"Then if you had found a negro around there acting as lookout for you, you'd put him out, wouldn't you?"

The witness admitted that he would.

"Was there a drayman there on Saturday?"

"Yes."

The solicitor put some other questions which the witness answered, and then the solicitor demanded:

"Just a minute ago, didn't you say that the drayman was there on Saturday?"

REFUSES TO ANSWER.

"If I said he was, he was," shouted the witness.

"Well, what did you say just a minute ago?"

"Well, I won't answer!" said the witness.

"What are the facts about the case? Was there a drayman there, or was there not?"

"I don't remember," finally said the witness, after the judge had commanded him to answer.

"Well, why did you tell me there was a negro, and that there was, when you don't remember now?"

"I don't remember."

"Now, you told Mr. Arnold that Conley acted suspiciously on Monday by not staying at his regular job. Did anybody in the whole factory stay at his regular job that morning?"

"Yes," said the witness.

ALL SMOKING AT BLOOD.

"As a matter of fact, didn't they shut down the factory at a little after 3 o'clock because all the employees were running out buying the extras and looking at the blood spots?"

"Yes."

"After that who stayed?"

"Nobody but me."

"Tell one thing that Conley did different from the others."

"The witness didn't answer.

"Well, let's go to Thursday," said the solicitor," the time you had your nigger arrested. You said she hid the shirt. Now tell how he hid the shirt? He was there on the second floor, washing it in some vats when you saw him, wasn't he?"

"Yes."

"He had taken the shirt off of his own body, hadn't he?"

"Yes."

"And he had been wearing it all the morning? And that was at 1:30 o'clock, wasn't it?"

"Yes."

"Well, he had it on when he was arrested, didn't he?"

"No."

"Now, tell me how he was trying to hide it."

"He had it stretched behind a radiator up there."

"He'd put it there to dry, hadn't he?"

"Yes."

"How did he hide it; then?"

"Well, he stood in front of it," said the witness.

"You've seen Conley with tablets, haven't you? And you know he could write?"

"Yes."

"When did you tell that he could write?"

"I don't remember."

"Was it after or before you visited Mr. Frank in the tower?"

"About two weeks afterward."

"Before you were making these walking tests, you timed yourself by only one watch, didn't you?"

"Yes."

"And you don't know whether the clocks of the Georgia Railway and Electric company and the clocks of the National Pencil company were both together on April 24, do you?"

"No" bellowed the witness.

Solicitor Dorsey turned the witness over to Mr. Arnold for redirect examination.

"Were you subpenaed to go to Solicitor Dorsey's office?"

"I was."

"He sent you a regular court subpena, didn't he?"

"Yes."

"Did you know you didn't have to go?"

"Not until I talked to some of the others. I let them go and stay there."

"Did you know it was false imprisonment?"

"I did not."

"How many asked you questions when you made this statement in Solicitor Dorsey's office?"

"Oh, there was only three or four."

"Only three or four?" exclaimed Mr. Arnold.

"Three or four," repeated the witness.

Attorney Arnold read a number of questions and answers that were the transcript of Holloway's original examination by the state. He asked Holloway, after each one if he hadn't said that, and Holloway said that he had.

COURT ADJOURNS.

"It's impossible to repeat a thing, several hours afterwards, exactly as you said it before, isn't it, Mr. Holloway?"

"It is."

"Do you know anything about the character of Daisy Hopkins?"

"No, sir."

"Stand down," said Mr. Arnold. And court recessed until 9 o'clock Saturday morning.

BALTIMORE AND RETURN, $20.95

On sale August 11-12-13. Through Steel Trains. SEABOARD.—(Adv.)

$60,000 DAMAGE IS DONE BY WASHINGTON CYCLONE

WASHINGTON, Aug. 9.—An aftermath of the cyclonic storm that swept Washington last week is disclosed in a statement prepared for congress announcing that $60,000 will be necessary to repair the damage done to the buildings occupied by the pension bureau and the office of public lands.

Langhorne Attache

(By Associated Press.)

WASHINGTON, Aug. 9.—Major George T. Langhorne, U. S. A., it was made known today, has been selected military attache of the United States embassy at Berlin. He will succeed Captain Alfred M. Hjormstad. Major Langhorne at present is stationed in the Fifth United States cavalry.

COAL

We sell the Better Coals. We want your business.

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EMPLOYERS and employes meet through The Journal Help Wanted Columns that bear the messages from one to the other.

COMMISSION TO STUDY SCHOOL-BOOK PRINTING

Substitute by McCrory Provides for Abrogation of Present Contract on Notice

The house of representatives Thursday afternoon adopted the substitute resolution to the McCrory resolution calling for an investigation of the advisability of the state printing its own school books. The resolution adopted an amendment by Representative McCrory, providing that the cost of school books could be abrogated on six months' notice.

The resolution provides for the investigation of school book prices to be conducted by a commission, consisting of three from the house and two from the senate, with the revenue and state school commissioner as ex-officio members.

The original McCrory resolution, according to an investigation, is in the hands of the rules committee.

CAR SHORTAGE ON ROADS PREDICTED FOR OCTOBER

CHICAGO, Aug. 9.—Indications of a car shortage this fall are seen in a bulletin issued today by the Railway association. It disclosed that on August 1 there were 46,114 empty cars on various lines throughout the country, as compared with a surplus of 74,339 on July 15. It is believed that this surplus will continue to decrease until the situation becomes acute in October.

There were 65,994 idle cars in the United States on August 1 last year, and a car shortage of unusual severity occurred as soon as the crop movement began.

NOTICES

SPECIAL NOTICE

A. O. & ROY DONEHOO FUNERAL PARLORS 39 Marietta St. Phone Ne. 1847 Atlanta Ga.

BARCLAY & BRANDON CO.

FUNERAL Directors, are now located in their new home, 348 Ivy street, corner Baker. Auto ambulance, day or night.

$100 REWARD

STOLEN on July 20th, from the Fryer street entrance of Candler building, a black and white Cocker Spaniel puppy, about eight months old, ... Reward will be paid ... by the undersigned. Any information regarding the whereabouts of said dog will be rewarded. SOUTHERN ADJUSTMENT BUREAU, Candler building.

BEST WORK

Crowns ($3 up)

Bridge work $3 per tooth

Best teeth $8 per set

Fillings $1 up

All work guaranteed 10 years.

Eastern Painless Dentists

35½ Peachtree St. Over Walton.

ORDINARY'S NOTICES

GEORGIA, Fulton County.—Ordinary's Office, August 9th, 1913. A New King, estate of W. J. King, deceased, has applied for leave to sell the land of said deceased. All persons concerned are hereby notified to show cause why they have not, at the next Court of Ordinary, if any they have, why said leave will not be granted and authority given as applied for.

JOHN R. WILKINSON, Ordinary.

GEORGIA, Fulton County.—Ordinary's Office, August 9th, 1913. J. L. Dunn has applied for letters of administration on the estate of Georgia E. Wallace, deceased. This is to cite all and singular the kindred of said deceased to be and appear at the first Monday in September next.

JOHN R. WILKINSON, Ordinary.

GEORGIA, Fulton County.—Ordinary's Office, August 9th, 1913. Lavinia C. Dal has applied for letters of administration, with will annexed, on the estate of Eliza Ferguson, deceased. This is therefore to notify all persons concerned that the same will be heard on the first Monday in September next.

JOHN R. WILKINSON, Ordinary.

GEORGIA, Fulton County.—Ordinary's Office, August 9th, 1913. Lavinia C. Dal has applied for letters of administration, with will annexed, on the estate of Eliza Ferguson, deceased. This is therefore to notify all persons concerned that the same will be heard on the first Monday in September next.

JOHN R. WILKINSON, Ordinary.

THE JOURNAL COVERS DIXIE LIKE THE

VOL. XXXI. NO. 16

CONLEY'S STOR IS STILL CENTE OF FIGHT IN FRANK CASE

After Two Weeks of Testimo Only Evidence Directly Li ing Frank With the Crime the Sensational Statem Made on the Stand by Ne Sweeper—Summary of D velopments in Trial to Dat

STATE HAS INTRODUCED 34 WITNESSES, DEFENSE

A Synopsis of the Eviden Presented by Both Sid Shows Just What the Sta Has Sought to Prove a How the Defense Has Be Its Fight to Convince Jury Frank's Innocence

FOR two long and tedious we Leo M. Frank, indicted for t murder of Mary Phagan, h been on trial for his life. Dur those two weeks forty-eight w nesses have testified, thousand exhibits, documents, books, d grams, photographs and illustrati contrivances have been displayed the jury.

Only the remarkable story James Conley, the negro sweep directly connects the defendant wi the crime, and even in this inge nious narrative the negro did not a that he actually saw Frank do t deed.

Time and again while under t merciless grueling of Attorne Rosser and Arnold, Conley frankly and complacently confessed that he had lied and lied frequently in his sworn statements and affidavits t the detectives. However, he cla last in his story he related upon t witness stand Monday, Tuesday, a a part of Wednesday. He had eve extraordinary and feature of t story clear in his mind and not on during the sixteen and a half hou that he was in the witness chair h admit that any portion of it w false, notwithstanding the terri bombardment of questions hurled at him on cross-examination by Attorney Rosser.

He would not attempt to expla apparent inconsistencies in his i and final testimony, but content himself with asserting that he h told the whole truth.

There can be no doubt that Co ley's story made a profound impr sion even upon those who believe he is lying to save his own neck, a who are convinced that he was a accomplice in the crime. Coupled with his illiterate negro have rehearsed and fitted together such a set of c cumstantial evidence without so foundation in fact."

The verdict in the Frank c without doubt depended on the ju much credence the jury places Conley's testimony and how it corroborates the circumstantial evid which the state has introduced t corroborate it.

ENTER MANY OBJECTIONS.

The defense is evidently playi for position in the event the jury fi turns a verdict against Frank. t Attorneys Rosser and Arnold h daily entered many objections t taken many exceptions which t asked to be noted in the r Thinks undertaxed to mean th are paving the way for an appe to the supreme court for a ne trial in case the verdict is adver their client.

With its thirty-four witnesses state, through Solicitor Dorsey Attorney Hooper, sought to show

That Mary Phagan met her de in the metal room on the se floor of the pencil factory betw 12:20 and 1 o'clock on April

That she went to the factory betwe 12:05 and 12:10 o'clock.

That she was seen alive on the fa and rendered unconscious and s cord.

That Frank was the last person s saw the girl alive.

That he left out of his office betw 12:05 and 12:10 after Mary Phagan called.

That she was heard to scream a he went up to the second floor of factory.

That she was done some kind of t ing, violence a few minutes be death.

That Frank called the negro Co ley to help him get the body t the basement.

That when he went home to lunch he did not mention the fact t his spouse but a few minutes

That he was very nervous on the after the murder when he was brou to the factory by the detectives.

That he refused to look down into t dark hole when taken to the un ground basement.

That he is guilty of perversion, t [illegible] crime days in whic