

FRANK SENTENCED TO HANG ON OCTOBER 10

(Continued From Page 1.)

said Judge Roan, "on yesterday afternoon rendered a verdict finding you guilty of murder. It is now my duty as the presiding judge of this court to pass the sentence of the law upon you for that offense. Before I pass that sentence, have you anything to say, wherefore it should not be passed?"

Frank speaking calmly, and coolly in a voice which reached to every portion of the court room said:

"I say now, as I have always said, that I am innocent. Further than that my case is in the hands of my counsel."

"Mr. Frank," said the court, "I have tried to see that you had a fair trial for the offense for which you have been indicted. I have the consciousness of knowing that I have made every effort, as the law requires me to do, to see that your trial was fair. Your counsel has notified me that a motion for a new trial will be filed in due order, and it will be duly heard. It is now my duty to pronounce sentence upon you."

Judge Roan then read the formal words ordering the prisoner to be executed on October 10, less than a week after the date set for the hearing of the arguments for a new trial.

Attorney Arnold then said: "Your honor, we now file our motion for a new trial, which I understand stays the sentence until it has been decided."

While Mr. Arnold was still talking to the court Frank turned and with his friends and the sheriff left the room.

Frank refused to add to the statement made in the court when seen by reporters.

FRANK RETURNS TO TOWER.

Frank arrived at the jail at 10:45 o'clock, returning from court after hearing the sentence of death. In the automobile with him, besides the two deputies, were several friends, among them being Herbert Hane, one of his lawyers.

In an automobile following, arrived Mrs. Leo M. Frank, accompanied by Deputy Sheriff Suttles.

Frank's friends went on ahead into the jail, and Frank waited in the hallway for his wife. She entered and put her arms around him and kissed him, smiling brightly. With one arm around him, she walked to the inner gate of the jail, talking and smiling, and entered there with him, the entire party going up to Frank's cell.

At the cell waited the mother of the condemned man, Mrs. Rae Frank, and his father-in-law, Emil Selig.

After remaining with her son in his cell at the jail three hours and fifteen minutes Tuesday morning Mrs. Rae Frank, of Brooklyn, left the tower, accompanied by Rabbi David Marx, at 11:45.

Mrs. Frank, the condemned man's wife, and Emil Selig, his father-in-law, who came to the jail at 8:45 a. m., remained behind with the prisoner.

MRS. FRANK BREAKS DOWN.

Mrs. Leo M. Frank was with her husband in the Tower when news of the verdict was brought to him. He had waived his presence in the court room and she had chosen to remain at his side. Rabbi David Marx and Dr. H. J. Rosenberg, the family physician, told the young factory superintendent his fate. Mrs. Frank broke down and sobbed in her husband's arms. She was on the verge of unconsciousness, it is reported. Frank, however, took the news without exhibiting feeling. He appeared incredulous at first, it is said, and then resumed the impassiveness which he has maintained for four months.

"Even the jury was influenced by mob law," was his comment. As soon as his wife recovered sufficiently, Frank sent her home in care of friends.

A few minutes later he said to Dr. B. Wildauer, a close personal friend who was present when the news was brought: "I'm as innocent today as I was one year ago."

The two family friends had intended to wait until his wife left the jail before telling him, but, fearing that the news might be imparted in some other way they finally ascended the stairs of the jail and broke the message.

Solicitor General Dorsey had no comment to make on the case Tuesday morning. The defense attorneys, further than to admit they were preparing a petition for a new trial and fight the verdict in higher courts, would say nothing. Each is planning to take a short vacation, it is said.

The jury reached their verdict within two hours after Frank's life had been placed in their hands. On the first ballot the vote was ten for conviction, one blank and one doubtful. The second ballot was taken just one hour later and resulted in a unanimous vote for conviction.

When they agreed they notified Sheriff Mangum, who immediately endeavored to notify the lawyers of the defense, Solicitor Dorsey, Attorney Hooper, and Judge Roan. The two latter were at the courtroom in less than half an hour. The solicitor did not arrive until fifteen minutes later. The acceptance of the verdict was delayed on the court's order until he arrived.

COURT ROOM CLEARED.

The courtroom was crowded with people from the time the jury retired until Judge Roan was ready to receive the verdict. Fearing a demonstration, however, the room was ordered cleared of spectators and only a few friends of Frank, the attorneys and newspaper men were present. A crowd estimated at two thousand remained on the streets in the vicinity of the building when the spectators were expelled and within ten seconds after Foreman Winburn read "We find the defendant guilty as charged," they received the news and cheered wildly. The din attracted others and the throng doubled in less than five minutes. A squad of mounted po-

licemen. A score of policemen and a dozen deputies preserved order, keeping the sidewalks open.

Three thousand people cheered the solicitor when he left the courtroom ten minutes later. Several stalwart supporters lifted him above the head of the multitude and carried him across the street to his office. When he returned to the sidewalk to get in an automobile to go home he was met with renewed applause. He lifted his hat and bowed. Then he shook hands with a dozen or more, waved his hat again to those farther away and was driven off up Pryor street.

In the courtroom the solicitor was on the verge of tears. He blamed it on his nerves and his sorrow for the wife and mother of the man he prosecuted. As he was polling the jury his eyes became moist and his voice trembled.

Neither Attorney Rosser or Arnold was present when the verdict was returned.

Mrs. Rae Frank, the young superintendent's mother, was at the home of the family in East Georgia avenue. It is said that she had gone there to prepare the house for her son's homecoming in the event of his release. She was keenly disappointed when friends drove up in automobiles and imparted the news to her. She was almost as impassive as her son, under the shock, though, it is said.

JURORS RECEIVED \$53 EACH.

The jurymen, for their month's work received \$53 each and the thanks of the court. During the long trial they have suffered more, probably than anybody except the lawyers. They listened to the taking of evidence seven hours a day, were cut off from all communication with the outside world and slept in hot hotel rooms. They all appeared relieved when they walked out from the court house Monday afternoon and separated to go to their various homes.

"I guess I can find the way alone," one of them remarked.

What went on behind the locked doors of the jury room may never be known to the public. Before the twelve men filed into court with their verdict they agreed never to expose the procedure. It is not known who the single juror who voted against the death penalty on the first ballot is.

Just after the verdict had been read the jury was thanked by Judge Roan. He said: "This has been the longest trial I have ever participated in, and I dare say the longest you ever have or ever will. Thanking you for your long and faithful service and arduous labors the court will now dismiss you. The state will furnish your script. Let's see, how many days?" Two members of the jury answered: "Twenty-nine days."

The judge then instructed the sheriff to provide each of the twelve men with warrants calling for \$58 each.

Following this the men remained in their seats for a few moments while several flashlights were taken.

"As soon as the judge finished his charge to the jury I knew what the verdict was going to be," said Mrs. J. W. Coleman, mother of Mary Phagan. "I felt easier after the case went to the jury than I have at any time since Mary was killed."

When the jury retired, Mrs. Coleman left the court room and returned to her home in Lindsey street. There, with her living daughter and a few friends she awaited the news of the outcome. Mr. Coleman informed her of the decision half an hour after the verdict was read. She exhibited feeling, but did not break down nor sob.

CONLEY IS SILENT.

James Conley, negro sweeper, who testified to being the accomplice of Frank after the fact of the murder, is quartered in the Tower on another floor from his former superintendent. He probably will receive a short sentence in the penitentiary for his part in the murder.

Conley had nothing to say Tuesday morning. He is the same quick-talking negro who withstood more than two days

of Luther Z. Rosser's grueling cross-examination. He seems contented with the decision of the jury, although it is said that he expects much more severe punishment for his own part in the crime than will actually be dealt out to him.

Newt Lee, the negro night watchman, is sorry his former superintendent has been found guilty. "I'm sorry. I sure is sorry," mumbled old Newt in his cell directly above Frank's, when the news of the decision was brought him Monday night. Lee will be liberated at once.

Mrs. Frank Too Late to Hear Sentence

Mrs. Lucile Frank, who has stood by her husband faithfully, never missing a session of his long trial, rushed from her East Georgia avenue home in an automobile Tuesday when she learned that he was to be sentenced.

She arrived at the tower after he left for the criminal court building, and quickly followed after him.

Mrs. Frank was just a minute too late, however, to be with her husband, when the court read his death sentence.

Mrs. Frank's car drove up to the entrance of the Trower building just as Frank was entering the sheriff's car for the return trip to the tower.

Mrs. Frank, who has gained her composure since hearing of the jury's verdict, smiled faintly at her husband, and followed his machine back to the jail. She spent the morning with him.

Rabbi Marx Stunned By Verdict of Jury

Rabbi David Marx, who has been with Leo M. Frank every day during the trial, was stunned by the news of the jury's verdict.

Leo Frank is a member of Rabbi Marx's congregation. In charity, orphan's home and other work they have been thrown in close contact. Dr. Marx had been granted a leave of absence by his congregation and was planning a trip to Europe. When Frank was arrested he gave up the trip and stood by the young man, visiting him regularly in the jail and sitting near him throughout the trial.

Detectives Vindicated, Says Newport Lanford

Newport Lanford, chief of the detective branch of the city police department, considers the verdict in the Frank trial a complete vindication of the detectives from the criticisms directed against them on account of their methods in handling the case.

"I am not in the least surprised at the verdict," says he, "and I don't think any of my men are. Frank was given one of the fairest trials it has ever been my lot to figure in. A body of twelve honorable gentlemen have found him guilty of the murder of Mary Phagan. I am of the opinion that nearly everyone familiar with the case believes him guilty."

"The detectives have worked very hard on the case and have been untiring in their efforts to find the truth regarding the crime. We have been severely criticized by a few persons, most of whom are unfamiliar with the case and with police methods of obtaining evidence. I feel that we are vindicated completely by the verdict of the jury."

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**Frank Sentenced to Hang On October 10th, But Fight
For New Trial Will Stay the Execution for Many Months**

TWELVE PEERS OF LEO M. FRANK WHO FOUND HIM GUILTY OF MURDER



This photograph of the Frank jury was made a few minutes after Foreman Winburn read the verdict and before any of the jurors had left their seats. Front row, left to right: A. H. Hanks, M. S. Woodward, D. Townsend, F. E. Winburn (foreman), F. Van L. Smith, and A. L. Wisbey. Back row, left to right: J. F. Higdon, W. F. Meppel, M. Schenck, C. J. Bass, J. T. Osburn and W. M. Jeffries.

FRANK RECEIVES SENTENCE LIKE STOIC, ASSERTING HIS INNOCENCE OF THE CRIME

"Your Honor, I Say Now as I Have Always Said, I am Innocent. Further Than This My Case Is in the Hands of My Counsel." Declared Condemned Man as He Stood Looking Judge Roan Squarely in the Eye

MOTION FOR NEW TRIAL IMMEDIATELY MADE AND
OCTOBER 4 SET BY JUDGE TO HEAR ARGUMENTS

An Amended Motion, Setting Forth Grounds for New Trial in Detail, Will Be Filed Soon—Frank Returns to the Tower Where He Was Greeted With a Smile by His Wife—Newt Lee Free—How Verdict Was Received

JUDGE ROAN'S SENTENCE OF FRANK TO DEATH

STATE OF GEORGIA, vs. LEO M. FRANK.

Indictment for murder. Fulton superior court, May term, 1913. Verdict of guilty, July term, 1913. Whereupon, it is considered, ordered and adjudged by the court that the Defendant, Leo M. Frank, be taken from the bar of this court to the common jail of the county of Fulton, and that he be there safely kept until his final execution in the manner fixed by law.

It is further ordered and adjudged by the court that on the tenth day of October, 1913, the defendant, Leo M. Frank, shall be executed by the sheriff of Fulton county in private, witnessed only by the executing officer, a sufficient guard, the relatives of such defendant, and such clergymen and friends as he may desire: such execution to take place in the common jail of Fulton county, and that said defendant on that day, between the hours of 10 o'clock a. m. and 2 o'clock p. m., be by the sheriff of Fulton county, hanged by the neck until he shall be dead, and may God have mercy on his soul.

In open court this twenty-sixth day of August, 1913.

HUGH M. DORSEY Solicitor-General Atlanta Circuit.

L. S. ROAN, Judge Stone Mountain Circuit, Presiding.

The trial of Leo M. Frank for the murder of Mary Phagan is at an end. It is complete. With the sentencing of the convicted man to death, Tuesday morning, the last word was written in the final chapter of the trial.

A sequel will be written, however, in the higher courts. To those courts, unless Judge L. S. Roan grants their motion for a new trial, the attorneys for Frank will carry their fight to set aside the verdict and its penalty.

Newt Lee, the negro whose discovery of the body of Mary Phagan led to the exposure of her murder, has been released from the tower and has gone his way.

Jim Conley, confessed accessory in concealing the murder of Mary Phagan, will be indicted soon for his admitted offense, will plead guilty in court, and will be sentenced. The maximum penalty is three years in state prison. The new grand jury will organize Monday, and probably will consider the bill against the negro next week.

Some time soon, but perhaps not for a couple of weeks, the attorneys for Frank will file an amended motion for a new trial of their client, substituting that for the motion which they filed in court Tuesday morning. The original motion is brief. The amended motion will be many pages long, and will set forth in detail after detail every ground upon which the lawyers will seek to have their client tried again.

WILL NOT HANG OCTOBER 10.

October 4 has been set by Judge Roan as the date upon which argument for and against the motion will be heard by him. If he overrules the motion within thirty days thereafter the lawyers for Frank will take a bill of exceptions and so will carry the case to the state supreme court. If he grants the motion, the long trial will be repeated later. In either event, whether Judge Roan grants or overrules the motion for a new trial, Frank will not be hanged on October 10, though Judge Roan fixed that date in his sentence pronounced Tuesday. A writ of supersedeas will stay the execution until the motion is heard by the supreme court, if Judge Roan overrules it; and if the motion is granted, that act itself will involve the cancellation of the sentence.

If Judge Roan overrules the motion for a new trial, it is probable that the final decision of the supreme court will be known on or before next March. The supreme court either will overrule Judge Roan's decision and order a new trial, or will affirm that decision and allow the present verdict to stand. It is possible, however, that the supreme court's decision might be delayed as long as a year. Until the highest court does say the last word, Leo M. Frank can hope for life.

In a card published elsewhere in The Journal today, the attorneys for Frank characterize his trial as a farce, and assert that the temper of the public mind invaded the court room.

Leo M. Frank, the condemned man, now reaffirms his innocence.

Solicitor Dorsey, representing the state, has no public comment to make except that he feels sorry for Frank's wife and mother.

FRANK RECEIVES SENTENCE.

Looking Judge L. S. Roan squarely in the eye just a few seconds before the death sentence was passed upon him, Leo M. Frank, convicted of the murder of Mary Phagan, said:

"Your honor, I say now, as I have always said, I am innocent. Further than this my case is in the hands of my counsel."

A few moments later Judge Roan had read his sentence, commanding the sheriff to execute Frank on October 19.

The formality required scarcely five minutes, and the young factory superintendent went through the ordeal as unflinchingly as he passed through the twenty-nine days of his trial.

As he listened to the damaging testimony of the state's witnesses in the trial, he listened to the judge pass the death sentence. The authorities had kept the hour of the convening of court for the purpose of sentencing Frank a secret.

Judge Roan, however, went to his chambers at the criminal court building on the fourth floor of the Thrower building shortly after 9 o'clock Tuesday morning. Shortly after 10 o'clock Attorneys Reuben R. Arnold, Luther Z. Rosser and Herbert Haas arrived and Judge Roan was informally notified that a motion for a new trial would be made. After a short conference Deputy Sheriff Plennie Minor was instructed to bring Frank from the tower.

At 10:20 o'clock he arrived, accompanied by Deputies John Owens, George Broadnax and T. A. Burdette, and several friends. Frank greeted his attorneys cheerfully and declared that he was in the best of health.

Solicitor General Hugh M. Dorsey had not been down to his office during the morning and he was not summoned, his assistant acting for him.

Assistant Solicitor Stephens had not completed the writing of the formal court sentence when Frank arrived, and the prisoner remained conversing calmly with his attorneys for several minutes.

During the brief wait probably fifty people, hearing that the famous prisoner was about to be sentenced, dropped into the court room.

Judge Roan entered with the assistant solicitor, and court was formally in session.

"Mr. Frank, stand up," said the court.

Frank arose and stood near the attorneys' table.

"Over here," said a deputy, pointing to the railing in front of which so many men have stood and heard their death sentences read.

Frank walked over to the railing and stood looking Judge Roan squarely in the eye.

EXHIBITED NO EMOTION

Frank exhibited far less emotion than the majority of the people in the court. He stood with his shoulders thrown back and his hands clasped behind his back.

"They jury, which has been trying your case for days, or rather for weeks

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