

FRANK MAY BE SAVED BY TELLTALE NOTES

Carbon Impress on Paper Found Beside Mary Phagan's Body Gives Lie to Negro's Story.

STARTLING POINT UNSEEN

Dates and Master Mechanic's Signature on Old Order Pad Show Paper Never Was in Frank's Desk.

Special to The New York Times.

ATLANTA, Ga., March 8.—Leo M. Frank, his attorneys and friends, spent a joyous Sunday, for they believed today that the fight for a new trial, on the grounds of newly discovered evidence, had been won.

This evidence, which is regarded as so important, has been found in the paper on which the two notes found by Mary Phagan's body were written. The negro, Jim Conley, swore that the notes were written in Frank's office on paper taken from Frank's desk. Frank's attorneys insist that a close examination of the notes shows that they were written on waste paper that was in the basement of the factory where Mary Phagan's body was found.

The murder notes, always regarded as vital, but always elusive when it came to determining at whom they pointed as the guilty person, had been examined by the detectives, by the solicitor and by lawyers for the defense, but none of them had discerned the faint tracery, as from a carbon paper, of the signature of H. F. Becker, who was master mechanic at the National Pencil Factory from the day it began operations until Dec. 27, 1912.

The faint scrawl of the name, almost obliterated by the smudge and the grime on the note; the "190—" date blank that is on the order pad on which the negro Jim Conley wrote the notes after the murder; the serial number, which corresponds to a requisition made on the Cotton States Belting Company in September, 1907, by H. F. Becker, all may combine to bring about a new trial for Frank.

Jim Conley at the time he re-enacted what he said was the manner in which the tragedy had taken place, and again when he told his story on the stand, said that the notes were written in Frank's office and on a pad which was on Frank's desk. He said that Frank reached for the pad and had him write on it.

Refutes Negro's Story.

This is the vital part of the negro's story that the new discovery attacks. Frank, his lawyers, and his friends said that in their opinion it branded this portion of Conley's story as impossible.

A canvass of the firms upon which requisitions had been made by Becker brought to light the fact that the order pad on which the note was written was used by Becker in the Fall of 1909, three and a half years before the murder of Mary Phagan. The serial number was 1,018.

This showed the sheet in the pad to have been a duplicate of a requisition sent to the Cotton States Belting and Ship Company, Nos. 7 and 9 South Broad Street, in September, 1909. From the Southern Belting Company, No. 46 South Forsythe Street, where confirmation of the date was obtained by a reporter, notations of Becker's orders in 1909 were produced. No. 1,016 was dated Sept. 10, 1909, and No. 1,019, the one immediately after the duplicate sheet on which Conley wrote, was dated Oct. 6, 1909. Conley said that Frank reached in his desk for the pad on which the murder note was written. Here is what Conley had to say of the writing of the note when he was on the stand at the trial:

"And Mr. Frank says, 'I can tell you the best way for us to get out of this. You write what I tell you.'

"And I said, 'Yes, sir,' again, because I was willing to do anything to help Mr. Frank, him being a white man and my superintendent, too.

Describes Note Writing.

"He handed me a pad of paper, and told me to write, and I wrote a little bit, and he didn't like it, and seemed mad, and told me to turn over and write again, and he didn't seem to like this, and told me to turn over and write another time.

"I wrote what he said, and he seemed

to be pleased, and he smiled and rubbed his hands together.'

The murder note bore the date blank of 190—. Those in use at the time of the crime, as shown in an original obtained from the Southern Belting Company and signed by Frank with the initial "F" just a week before the murder, were printed with the date blank of 191—.

Becker's office was on the fourth floor of the pencil factory. He was master mechanic, and was accustomed to obtain supplies without obtaining the O. K. of any one else in the factory. He was with the pencil company from the start, and, aside from Frank, was said to have the most intimate knowledge of the processes of pencil manufacturing of any one in the place.

Most of his supplies he obtained from the Southern Belting Company, the Cotton States Belting and Supply Company, and the Beck & Gregg Hardware Company. It was his practice, according to factory officials, simply to write a requisition, sign it with his name, and send it by an apprentice or driver to one of these three places whenever he was in need of supplies.

Old Pads Accumulated.

The duplicate requisitions remained on the pad in his office on the fourth floor of the building. Scores of these pads accumulated during the four or five years he was with the company. They were filed away for a time and some of the older ones were burned.

Becker, it was said, conducted his department entirely independent of the other departments until about a year before he left. His requisitions were sent out and honored without passing through any other office. His pads of duplicates he either kept in his office or sent to the basement to be destroyed. He left the pencil factory on Dec. 27, 1912. Within a few weeks after he had gone away his office on the fourth floor was cleaned out. All of the paper and old pads were gathered up and taken to the basement.

The defense will contend that the pad containing the duplicates of Becker's requisitions in 1909, three and a half years before, were among the pads that were carried down the elevator to be dumped into the refuse-strewn basement. This, then, the extraordinary motion will set forth, was the place where the paper was found on which the death note was written, and where the writing took place, and not in Frank's office, as Conley said, and as the State contended.

To Lemmie Quinn, foreman in the tipping department, belongs the credit for the first discovery of the name of Becker on the murder note. He reported this to the factory officials and then began the search to find the date of the order from the serial number. All of the firms with which the pencil company obtained its supplies were canvassed. The orders retained by the Southern Belting Company were looked up and No. 1,018 was found to have been for a piece of machine steel from the Cotton States Belting & Supply Company.

Strong Evidence, Says Frank.

Of this new and important evidence in his favor Frank said to-day:

"They will have to change Conley's statement again if they are to get around this. They will have to get him to say that, instead of reaching in my desk and getting out a pad, I went down into the basement and brought that old pad up that bore Becker's duplicates and had him write on that.

"Were I an onlooker, instead of the person most concerned, I still would regard it as an immensely strong piece of evidence. The note, it is shown by these most recent revelations, was written, not on the sort of pad that I keep in my desk, but on a pad that had been used by Becker nearly four years before.

"None of the 191— order pads had been in my office since Jan. 1, 1912. The pads which I had been using for the year previous to the murder were all new stationery, and were printed with the 191— date blank. None of Becker's old duplicate pads ever was in my office. He had the care and disposal of them. When he was through with them he had them filed for a time, after which they were taken to the basement to be destroyed.

Feels Certain of Acquittal.

"I hope Solicitor Dorsey rests as easily in his bed to-night, and sleeps as soundly and as free from worry as I shall. I never have felt more confident of ultimate acquittal than I do right at this moment."

W. H. C. Rose of the Southern Belting Company showed various orders that had been given by the pencil factory. "I knew Becker very well," he said. "In the early days of the pencil factory we had the most of our dealings with him. We supplied the factory with a greater part of the belting that was used."

Mr. Rose then looked up the record of the 1909 orders from the pencil factory, the serial numbers of which ranged around 1,018. He also had in his possession an order dated April 19, 1913, seven days before the Phagan murder. It was signed by Frank, and was different in several respects from the order sheet on which the murder note was written. Attorney H. G. Alex-

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FRANK CLEARS UP VITAL POINTS IN HIS CASE

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ander, who has made a special study of the murder notes in Frank's interest, said:

"How can one explain this old, grimy duplicate pad being in Frank's office? It is preposterous to think that it was, through the simplest explanation and the one which seems correct from every logical viewpoint, in Becker's office either at the time the cleaning was done there or at some previous time, and taken to the basement along with many other used pads.

"Here it was found by the negro and used by him to write the note through which he hoped to throw the blame on another negro entirely dissimilar in appearance from himself."

Order No. 1,018 was for "1 PC 1 1/2 x 2 1/4 x 1 1/8 inch steel." A close inspection of the first note written by Conley shows on the first line the remains of "el" from the last word, as though the negro had endeavored to erase all on the pad before he started to write the note. Further down is Becker's signature much clearer.

Eppes Makes Another Denial.

George Eppes, the newsboy, who was one of the important witnesses for the State in the trial of Frank, made a statement at Milledgeville in which he repudiated the statement he recently made before Stiles Hopkins of Atlanta and Court Clerk J. C. Cooper of Milledgeville, branding his trial testimony as false, and as being made under coercion by Detective John Black.

His new statement, in which he re-asserts the truth of his trial testimony was made before half a dozen leading citizens of Milledgeville. Eppes is in the State Reformatory.

The affidavit now in possession of Frank's counsel was written in Birmingham and sworn to in Milledgeville before Stiles Hopkins and Clerk Cooper of the Superior Court. In his new statement the boy said he had been told that if he did not make an affidavit repudiating his trial testimony he would be sent to Birmingham and placed in jail.

Eppes alleges he was taken to Birmingham by a man named Jim Terry. When they reached Birmingham, young Eppes said, he was arrested by a detective, who said he was wanted on a charge of perjury and stealing \$10. He says he was hurried to a hotel and locked in a room and another detective was summoned. Eppes says he was threatened and told that if he didn't make an affidavit repudiating his trial testimony he would be placed in jail. The boy says he made the statement as Terry directed, and that it was taken down by a stenographer.