

Paid for "a Receipt" that Leo Frank was Innocent?

WHEN wise men, astute men, shrewd men, virtuous men, patriotic men, law-and-order men dig a pit for others, and fall into it themselves, they never seem to enjoy the situation.

That Leo Frank bunch are squirming like worms on a hot shovel.

It's about that settlement of the damage suit of Mary Phagan's mother—the quiet, and most judicious settlement, "out of court."

The Frank bunch are awfully indignant and sore, because The Jeffersonian demonstrated that the settlement was an acknowledgement of Frank's guilt, by the factory owners who paid the money to the poor woman who lost her lovely little girl.

The factory owners included Frank's uncle, as I understood. My recollection is that his name is Mr. Sigismund Montag.

The Atlanta bunch now say that when Frank's uncle and the other owners of the factory settled the damage suit by paying Mary's mother some money (they don't say how much) they took her "receipt," stating that Jim Conley killed the girl.

O! a receipt!

So we big lawyers, detectives, and capitalists prove murders by "receipts", do we?

When we go out after "vindications", we pay over the ducats, and take a receipt as a vindicator, do we?

That's a fine, new practice, to be sure.

Leo Frank, the Superintendent of the factory, was the *Company*, for in law he was what is called the *alter ego* of those who put him in the place of the managing owners.

Therefore, when Frank entrapped the little girl, in his office at the factory, where he was in *authority*, and where he was in *official control* of the maiden, taking her back as her boss to the room in which she worked under him, his assault upon her and his cruel, cruel murder of her, made the owners of the factory liable in damages to her mother.

Jim Conley, the negro who swept floors and did other menial work in the place, was not in authority over Mary Phagan; was not the personal representative of the owners; was not their *alter ego*; and the company was not in law responsible for his conduct toward other employees, unless they had notice and condoned it.

Consequently, if Conley, unknown to Frank and themselves, pursued the girl and murdered her, it would not have involved the Company any more than the Georgia Railroad would be involved, if one fireman has a quarrel with another and kills him.

In law, Mary Phagan was in the custody and care of Leo Frank, the *other self* of the owners of the factory; just as a lady-passenger, for instance, is in the care of the conductor of a Pullman car.

Lawyers understand well enough what position and authority a servant has to have, before the employer can be held responsible for the criminal, or negligent conduct of one to another.

Laymen also will understand that a "vindication" which is willing to pay money and take the verdict in the shape of a receipt from a woman who is poor—and who, not being able to read and write, may not even know what was in the paper she signed—is a vindication which dreads the court-house.

If it were not so tragic, it would be downright funny.

Rich men go to a much wronged woman, pay her a sum of money and get her signature to a "receipt," which is as much of a vindication as they dare to seek.

They had sense enough not to face another jury.

But, oh, what a splendid opportunity was lost to the Atlanta Journal, to Mr. Hearst, to Mr. Brisbane, to Judge Shearn, to Judge

Powell, to old Brother Brewster, to Dr. Wilmer, to Dr. White, to Luther Rosser, to M. J. Yeomans, to W. E. Thomson, to John W. Moore, to Adolph Ochs, to the Pulitzer Brothers, to Rabbi Marcus, to John M. Slaton, to the negro editor of the *Atlanta Independent*, and to that beloved old carpet bagger, Dr. Stockbridge of *The Ruralist*.

Nor must I forget Samuel Adams, and my versatile friend of the amber locks and moustache, Hooper Alexander.

VINDICATION! O, yes, we got our vindication: we paid our money and took a receipt for it.

Good night, nurse.

Too Much Bryan for Nebraska.

ONE of the surest proofs of good sense in any man is, *Knowing when to go*.

The visitor who wears out his welcome, is a familiar example of the man who *doesn't* possess good sense.

The lawyer who clings to the court-house, after his clients have left him, and younger attorneys are passing him, is another and a very pitiful illustration.

The school-teacher who doesn't realize that he is out of date, the doctor who can't keep abreast of the modern movement, the preacher who has lost his lick, the writer who has emptied himself, the singer whose voice is gone, the orator whose speeches have become stale—all these are examples of the lack of common sense.

They did not know when to quit.

They waited to be told.

Even the Divine Patti came once too often, and she was forced to flee the stage forever, in a tempest of sobs and tears: her audiences made it plain enough to her that she was a "has been."

A similar fate has overtaken William Jenkins Bryan; but, as yet, he is trying to believe that it hasn't.

His hide is as tough as an alligator's, and his everlasting smile, being made of boiler-iron, doesn't immediately vanish.

Nevertheless, the inevitable has come to W. J. B.: if he doesn't see it, others do, and that's what counts.

The Peerless leader undertook to compel the Democrats of Nebraska to elect his brother to the gubernatorial chair, and himself to the next National convention.

To make sure of his success, the Peerless one discontinued for a season his lectures on Jesus Christ, vacated his "villa" in Miami, and went in person to Nebraska, to manage the campaign for self and Brother Charles.

Strange to relate, Nebraska had grown tired of Bryan's repeated betrayals of her candidates at National conventions, and he was refused a place as delegate.

His brother was also defeated.

Heretofore, Bryan has always gone to the conventions, as an instructed delegate, and he has invariably been false to his instructions.

He began it in 1896, when he went to Chicago as a Bland delegate, and betrayed the Free Silver hero, to get the nomination for himself, on a sophomoric speech whose Cross of Gold simile was stolen from Col. Archie Fiske's book, "Statesmen Three."

His last performance was at Baltimore, in 1912, when he had lost his State to Clark, and then begged to be sent to the convention, as an instructed Clarke delegate.

He was so sent, accordingly; and even before the meeting in Baltimore, he was *intriguing against Clark*.

With a very slight effort to carry out Nebraska's instructions, Bryan could have secured Clark's nomination.

Only a few more votes were needed to turn old Champ's big majority into a two-thirds clincher; but instead of honestly trying to do this, Bryan vehemently assailed the candidate whom he had been instructed to support.

A blacker piece of political perfidity has seldom been enacted.

Bryan pretended to advocate the nomination of Doctor Woodrow Wilson, but his real purpose was to capture the nomination for himself, as he had done in 1896.

During the Sunday recess, he came out in the papers hinting at a "compromise candidate," and he even suggested a fortnight's adjournment of the convention!

But his finesse was too tactless, and his intended betrayal of Wilson, as of Clark, could not be pulled off.

When Bryan resigned from the Cabinet, because of a mild note to Germany, *after having signed two rough ones*, the country at last began to take his measure.

Many good natured people had excused his neglecting his official work, and his making Chatauqua capital out of his Cabinet position; but when he deserted his Chief, in the midst of troubles which he himself had helped to create by signing those earlier notes, even the good natured people were obliged to recognize the inordinate selfishness of W. J. Bryan.

He had made the President's troubles vastly greater, by telling the Austrian ambassador that those rough notes of his and Wilson's *were not to be taken seriously!*

Under the earlier English laws, this treasonable utterance would have cost a minister his head.

No one can tell to what degree this disloyal speech of Secretary Bryan contributed to the persistence of Germany in that course of sub-marine warfare which caused President Wilson's latest and sternest note.

The general result is, that Bryan is discredited and distrusted.

Besides, it has become manifest to the most casual observer that he has no real purpose in life, save to enrich and elevate W. J. Bryan.

He has not been true to any cause, any principle, or any leader.

He has not studied and mastered any question: he is a mere surface man, gifted with a fine voice, a fluent tongue, a brazen eye, and a priest's professional smile.

He hasn't the manners of a gentleman, nor the tastes of a thoroughbred, nor the methods of a statesman: in all things, he is self-pushing, grand-standish, bill-boardy, and shallow.

And there are three incidents in his career which stamp him, indelibly, as a bounder, a cad, a plug:

(1) His speech, at a non-political assemblage in New York, asserting the qualifications of Mrs. Bryan to be the Mistress of the White House;

(2) His address to his guests at his first Diplomatic banquet, informing the ambassadors and ministers that they must not expect wine, but must be content with grape-juice;

(3) His taking away from the State Department the desk which Seward and all subsequent Secretaries had used.

William Jenkins may flounder around noisily for quite a while, yet; but Nebraska's rejection of him as a delegate to the National convention is a blow that cannot be talked and smiled away.

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