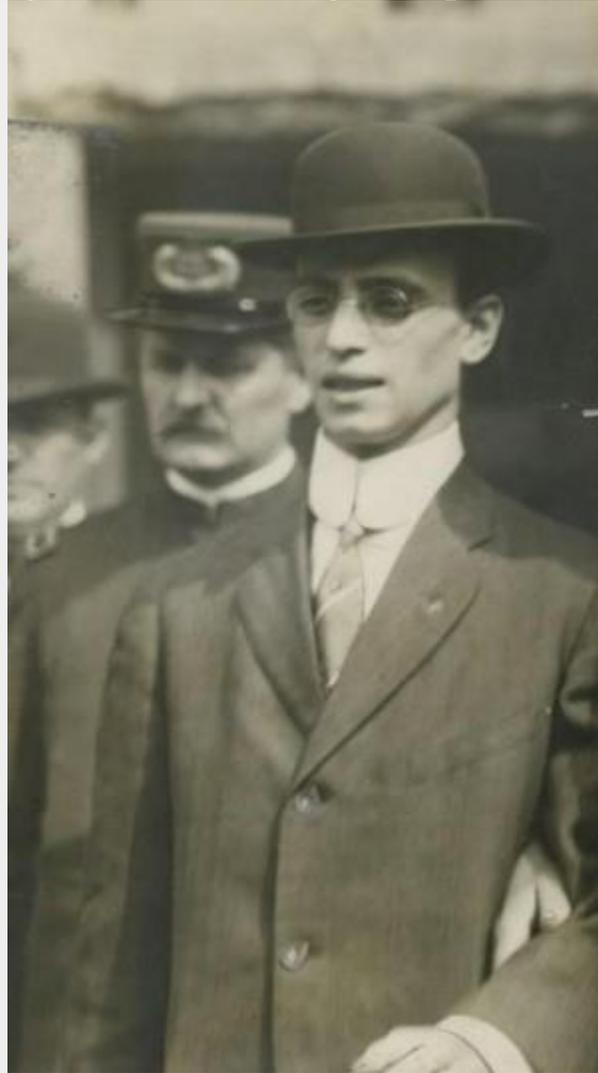


The Coroner's Inquest of the Mary Phagan Murder Mystery



Leo Frank being taken from the Tower to the Coroner's Inquest (from the Atlanta Georgian, Monday, May 5, 1913). He was accompanied by Chief of Detectives Lanford (left) and Police Chief Beavers (cut off on the right in this photograph).

-- PART 1: INTRODUCTION --

FOR THE FIRST TIME in history, we now have a full, unexpurgated digital record of *all* the contemporary reports about the Coroner's Inquest which took place in the wake of the murder of Mary Phagan.

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The full text of *every single* article from the *Atlanta Georgian*, the *Atlanta Constitution*, and the *Atlanta Journal* that dealt with the 1913 Coroner's Inquest is reproduced in Part 2 of this piece. It was at the Coroner's Inquest that Mary Phagan's death was legally declared to be a result of willful murder and that official suspicion was first leveled at the last person to see her alive: her sweatshop employer, Leo Frank.

When a person is killed under unusual or suspicious circumstances in the United States, the first investigation into what may well be a crime is conducted by the coroner of the county where the death took place and is called an *inquest*. Presiding over the inquest and its investigations is the *coroner*, who is assisted in reaching a decision by a *coroner's jury*. At an inquest, witnesses may be called and examined, documents may be offered into evidence, expert medical and other opinion may be taken, and suspects may be questioned. Such was the case in Fulton County, Georgia, when Mary Phagan's tragic death occurred on April 26, 1913. A coroner's inquest can render verdicts of, for example, *natural death*, *accidental death*, *misadventure*, *suicide*, or *murder*. If the verdict is murder, the jurors will often recommend that a certain person or persons be held on suspicion of committing the crime. The responsibility for continuing the case then falls to the criminal justice system.

Presided over by the Fulton County Coroner Paul V. Donehoo were a half-petit jury of prominent White men from the community, who opened the Coroner's Inquest on Wednesday morning, April 30, 1913.

The inquest began shortly after nine o'clock after the jury members were sworn. The empaneled tribunal in total consisted of seven men -- Coroner Donehoo and the six

jurymen: 1. H. Ashford, foreman; 2. Glenn Dewberry; 3. J. Hood; 4. C. Langford; 5. John Miller; 6. C. Sheats; and 7. Judge of the Inquest Jury, The Fulton County Coroner, Paul Donehoo.

Paul Donehoo -- who made up for the fact that he was legally blind with his brilliant logical mind and quick insight into human character and motivations -- quickly began to focus on certain contradictions and oddities in the testimony he'd heard.

Never used the bathroom?

- In Donehoo's two examinations of Leo Frank, Frank repeatedly and unequivocally stated under oath that he did not use the second floor bathroom in his factory *at all* on the day of the murder, even though he spent almost all of that day in his office on the same floor. Frank did not state that he didn't remember -- but rather that he *did not use* that bathroom (the one he customarily would use) on April 26, 1913. It appeared as if he was distancing himself (verbally and mentally) from the bathroom area of the second floor which was located in the metal room. There were no other bathrooms on the second floor of the National Pencil Company, except in the metal room (see Defendent's Exhibit 61). This was originally thought by many to be a "throw away" detail, but later it became one of the most profound links in the case.

The visit that wasn't -- and then was

- A controversial new development occurred during the inquest concerning Leo M. Frank's alibi for the 45 minutes after Mary Phagan visited him in his office at noon. Frank said he never left his office on the day of the murder between noon and 12:45 PM, but there was no way to even remotely

corroborate this. But *then* Leo Frank said he had *forgotten* for the entire first week of the murder investigation to bring forward his employee Lemmie A. Quinn, the foreman of the metal room, who then testified at the Coroner's Inquest that he had returned to the factory and seen Frank in his office around 12:20. Quinn also testified that he had not mentioned this before because he had wanted to give Frank a chance to ask his attorneys if such testimony would be "helpful." (Much later, after Frank's conviction and during the appeals process, Quinn was criminally impeached when it was discovered he was offering bribes to witnesses to change their stories.)

STATE'S EXHIBIT 3.

Portion of the affidavit made by Lemmie Quinn for Solicitor Dorsey as follows:-

"The doors that lead up to the back stairs, after work hours are locked, but this door at the back of my department, the lock had been broken off and we placed a bar across it. The idea of that was to keep employees from the fourth floor going down from that department and ringing out and getting their money before it was ready. Customarily it was closed. That was the purpose. There is no exit from the office floor to the street floor, except the ~~front~~ front, there is a stairway leading from the office floor to the floor above. The back stairway is ordinarily closed with that bar, which makes it impossible for anybody to come from the upstairs down to the office floor. A man on the office floor could lift the bar and walk out, but I should not think that a man could come down to the office floor from above at all....

I went uptown when I left home between 12 and 12:20. I got to the pool room about 12:30..... He(Frank) said he didn't know that he would mention it, but he would mention it to his lawyers and see if they thought it was favorable to mention it. That must have been Wednesday of last week."

Lemmie Quinn signed an affidavit for Solicitor Dorsey one week before the Coroner's Inquest, stating he had gone to play billiards after he left the National Pencil Company factory at a quarter to noon (11:45am), and he does not ever mention coming back to the factory. He changed his story at the inquest, stating he had come back to the factory at 12:20pm to speak with Leo Frank. When Coroner Donehoo asked Leo Frank why he waited a week to bring forward this critical alibi witness to the police,

*Leo Frank said he wanted to wait for his lawyers' "permission" first.
(Excerpt from State's Exhibit S shown)*



Lemmie Quinn: Does his body language in this photograph have any significance?

Quinn told the Coroner's Inquest jury that he went back to the pencil factory and specifically into Leo M. Frank's office at 12:20 to 12:25 PM for the purpose of talking about a baseball bet with the factory's head clerk, Mr. Herbert George Schiff. But Schiff was not at the factory, and was not even supposed to be at the factory at all that day, because it was a State holiday and everyone was given the day off.

Herbert G. Schiff stated at the later Leo Frank trial that he took pride in the fact that he had never missed a day of work in five years (*Brief of Evidence*, Herbert Schiff, 1913) -- except once, unintentionally, during a disastrous flood. Leo Frank, however, gave the false impression that Schiff unexpectedly missed work that day -- in order to make Quinn's suddenly-remembered appearance seem less improbable.

Some of the questions to and about Quinn and his visit were quite pointed:

Q. Did you tell any of the officers that you had not been at the factory since Friday?—A [Quinn]. No.

Q. You didn't tell Officer Payne?—A. No.

Q. You didn't tell Detective Starnes?—A. No.

...

Q. Did you talk to Frank about your being in the office on Saturday?—A [Quinn]. I refreshed his memory of my being there.

Q. When?—A. I don't remember the exact date. It was after he had been locked up.

Q. How did you refresh his memory?—A. We were discussing the supposition of the girl having never left the factory. I told him: "Why I was there Saturday after the time you say Mary Phagan was." He said he remembered me being there, but wasn't sure of the time. I told him what time it was and he said he would tell his lawyers. I told him I did not want to be drawn into the case, but if it would help him I would do so.

Q. Were you alone with Frank when you talked of this?—A. Yes.

...

Coroner Donehoo tried to get Quinn to admit that he previously had told officers who interviewed him that he was not at the factory between Friday and the following Sunday.

...

An effort was made without avail to break down the story of Lemmie Quinn that he was at the factory and talked to Frank between 12:10 and 12:20 the Saturday afternoon of the tragedy. Coroner Donehoo tried to get Quinn to admit that he previously had told officers who interviewed him that he was not at the factory between Friday and the following Sunday.

...

Detectives declared that Quinn had told them and other persons that he did not visit the factory at all Saturday and that he was not there from the time he left Friday until the following Monday.

...

A stormy scene is said to have ensued during the interrogation to which he [Quinn] was subjected at headquarters. To a reporter for The Constitution, he last night declared that Scott and Solicitor Dorsey charged him with having accepted a bribe from Frank's counsel for the story he was telling of the visit to the factory.

...

Detective Black contradicted the testimony given at the morning session by Lemmie Quinn by saying that Quinn had

told him the Monday after the tragedy that he had not been to the pencil factory the Saturday before.

“Quinn made the statement in my presence two or three times,” said the witness. “On one occasion Detectives Starnes and Campbell questioned him in the basement of the pencil factory and he said he had not been there.”



Herbert Schiff: In an effort to help Frank, Lemmie Quinn claimed he returned to the factory to talk to Schiff. But why would he do that on a day when Schiff was expected to be absent?

It was, doubtless, obvious to Donehoo and the Coroner's Inquest jury that the testimony of Quinn was meant to shrink the plausible time Leo M. Frank would have to bludgeon, rape, and strangle Mary Phagan by 15 minutes -- from, formerly, 12:02 PM to 12:35 PM to, if Quinn was to be believed, 12:02 PM to 12:19 PM. Ultimately, Quinn's testimony as regards his alleged visit had little if any helpful effect for Leo Frank. If anything, it called into question the

veracity of Frank and his defenders and ultimately the innocence of Frank himself: Would an innocent man resort to such devices?

Improper behavior toward teenage girl employees

- Also significant in Donehoo's view was Frank's efforts at promiscuous sexual advances toward some of the girls he employed, as evidenced by this reported testimony:

Girls Testify Against Frank.

The most damaging testimony against Frank in regard to his treatment of employees at his factory was saved until the last hours of the hearing. Girls and women were called to the stand to testify that they had been employed at the factory or had had occasion to go there, and that Frank had attempted familiarities with them.



Nellie Pettis

Nellie Pettis, of 9 Oliver Street, declared that Frank had made improper advances on her. She was asked if she ever had been employed at the pencil factory.

“No,” she answered.

Q. Do you know Leo Frank?—A. I have seen him once or twice.

Q. When and where did you see him?—A. In his office at the factory whenever I went to draw my sister-in-law’s pay.

Q. What did he say to you that might have been improper on any of these visits?—A. He didn't exactly say—he made gestures. I went to get sister's pay about four weeks ago and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless "I saw him first."

Says He Winked at Her.

"I told him I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'"

"I instantly told him I was a nice girl."

Here the witness stopped her statement. Coroner Donehoo asked her sharply:

"Didn't you say anything else?"

"Yes, I did! I told him to go to h—I! and walked out of his office."

Thomas Blackstock, who said that he was employed at the factory about a year ago testified as follows:

Tells of Frank's Conduct.

Q. Do you know Leo M. Frank?—A. Yes.

Q. How long have you known him?—A. About six weeks.

Q. Did you ever observe his conduct toward female employees of the pencil factory?—A. Yes. I've often seen him picking on different girls.

Q. Name some.—A. I can't exactly recollect names.

Q. What was the conduct you noticed particularly?

The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls.

Q. See it often?—A. A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building.

Q. Can't you name just one girl?—A. Yes. Magnolia Kennedy.

Q. Did you see him act with undue familiarity toward her?—A. No. I heard talk about it.

Q. Before or after the murder?—A. Afterward.

“Girls Tried to Avoid Him.”

Q. When did you observe this misconduct of which you have told?—A. A year ago.

Q. Did you hear complaints around the plant?—A. No. The girls tried to avoid him.

Mrs. C. D. Donegan said she was connected with the pencil plant for three weeks. Her capacity was that of forelady. She resides at 165 West Fourteenth Street with her husband.

Her testimony follows:

“State your observations of Frank’s conduct toward the girls and women of the plant.”

“I have noticed him smile and wink at the girls in the place. That was two years ago.”

“Did you make a statement to the detectives of undue familiarity you had witnessed?”

“I told them that I had seen Frank flirt with the girls and women—that was all I said.”

Charges Familiarities.

The testimony of Nellie Wood, a young girl of 8 Corput Street, came next.

In brief it was this:

Q. Do you know Leo Frank?—A. I worked for him two days.

Q. Did you observe any misconduct on his part?—A. Well, his actions didn’t suit me. He’d come around and put his hands on me when such conduct was entirely uncalled for.

Q. Is that all he did?—A. No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn’t let him. He got too familiar by getting so close to me. He also put his hands on me.

Q. Where did he put his hands?—A. He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking but I was too wary for such as that.

Quit His Employ.

Q. Did he try further familiarities?—A. Yes.

Q. When did this happen?—A. Two years ago.

Q. What did you tell him when you left his employ?—A. I just quit, telling him that it didn't suit me.

Several employees also testified that they had never seen such advances themselves, and that as far as they knew Frank's conduct toward his teenage workers was "unimpeachable" -- but Donehoo and the jurors doubtless took into consideration the likelihood that such behavior would seldom be done openly where all could witness it.

Three different Mary Phagan arrival times -- later to become four

• According to Leo Frank:

1. Mary Phagan arrived in his second floor business office at 12:03 PM on April 26, 1913; this information was given to detectives on Sunday, April 27, 1913, in Leo Frank's office.

2. Mary Phagan arrived in his second floor business office at "12:05 PM to 12:10 PM, maybe 12:07 PM" according to Leo Frank in State's Exhibit B, given to the police on Monday, April 28, 1913.

3. Mary Phagan arrived in his second floor business office at 12:10 PM on April 26, 1913; this information was given at the Coroner's Inquest.

At the time of the Coroner's Inquest, Leo Frank had provided three different and separate times for Mary Phagan's arrival in his office. Later, he would shift her arrival time yet again. But the three inconsistent times already given were surely enough to raise Coroner Donehoo's eyebrows.



Scenes and Leading Figures in the Phagan Inquest



At the left top is Detective Black, of the city, and at the right Detective Scott, of the Pinkertons. Below is a scene at the inquest. At bottom is a sketch by Henderson of the negro, Newt Lee, whose straightforward story at the inquest has tended to lift suspicion from him.



Detectives Black of the city (left) and Scott, of the Pinkertons (right); at the center is a scene from the inquest; at bottom is a portrait of night

watchman Newt Lee -- on whom the pro-Frank forces were trying to throw suspicion in the early days of the case.

FACTORY GIRLS GOING TO INQUEST



Employees of National Pencil company entering police station, where they were, summoned Thursday afternoon as witnesses in the Mary Phagan inquest.

The "bloody shirt" hoax

- At the time of the Coroner's Inquest there were only two serious suspects for Mary Phagan's murder: 1) factory superintendent Leo Frank, the last person known to have seen Mary alive; and 2) night watchman Newt Lee, who discovered the body in the factory's basement. Lee, being black, probably would have been easy to convict in 1913 Atlanta had there been any even marginally credible evidence against him.

Around the same time frame as the inquest, some person or persons unknown went to a great deal of effort to implicate Newt Lee as the murderer. When police searched Lee's home they discovered one of his shirts hidden at the bottom of a barrel. The shirt was heavily stained with blood.

Closer examination revealed, however, that the shirt had not been worn since it was last washed, and furthermore the pattern of the blood stains indicated that it was not being worn when the stains were made.

The curious case of the morphing time slip

- Another and even more transparent effort to implicate Newt Lee was the legerdemain involving Lee's time slip for his watchman's rounds on the evening and night following the murder. Lee's duty was to make his rounds punctually and prove that he had done so by placing his paper slip in the time clock after each round, where it would be marked, or "punched," with the correct time.

When detectives brought Leo Frank back to the factory on the morning after the murder, one of the first things they did was

ask him to inspect Newt Lee's time slip for his rounds the previous night. Frank inspected the slip, which was also seen by W.W. "Boots" Rogers, one of the men with the police when they brought Frank back. Both confirmed that all the punches were made at appropriate times and none were missing. Then a serious lapse in police work took place -- *Leo Frank was allowed to retain possession of the slip.*

When the slip was later demanded by investigators, Frank produced a slip readily enough. But the slip he gave to the detectives was very different from the one that had been seen that first Sunday morning after Mary Phagan had been killed: Now the time slip was missing punches, enough of them to have given Newt Lee ample time to commit the murder, go home to change his clothes, return to the factory, and notify police of the body.

As the *Atlanta Journal* stated on May 8th, 1913, discussing the testimony of Rogers before the inquest:

Mr. Frank asked repeatedly if the officers were through with him, saying he wanted to go out and get a cup of coffee, but no opportunity to get the coffee arose. After a while, said the witness, after Mr. Frank had been through the building with Chief of Detectives Lanford, Mr. Frank suggested that they change the tape in the time clock. Mr. Frank took a key to the clock, which he wore on a ring at his belt, and opened the clock with it and removed the time slip and laid it down by the clock. He then went back into his office and got a blank slip. He asked one of the officers standing near to hold back a little lever while he inserted this slip. The lever knocked against a little pencil in the clock. Newt Lee, the negro, was standing near. Mr. Frank turned to the negro and asked, "What is this pencil doing in the hole?" Lee said he had put it there so his number would be sure to register every time he rang. Mr.

Frank put the key back at his belt and dated the slip which he had taken from the clock with a pencil which he took from his pocket. The witness thought Mr. Frank wrote the date "April 26, 1913," on it, but he wouldn't be sure about that, he said.

Mr. Frank, after examining the slip, stated that it was punched correctly, said the witness. He also looked at the slip. The first punch started at 6 p. m., and it was punched every half hour, the witness thought, up to 2:30 o'clock. At 2:30 was the last punch. Mr. Frank took the slip into his own office, said the witness, and the witness said he did not know what became of it after that.

The *Atlanta Georgian* reported on May 11th, 1913:

W. W. Rogers, former county policeman, who carried the officers in his automobile to the scene of the murder and later to get Frank, testified that Frank, when he saw the officers, began to ask them if "anything had happened at the factory?" and if the night watchman had "found anything" when nothing had been told him at that time as to the tragedy.

Rogers said he saw Frank remove the time slip from the time clock which Lee had punched. Rogers said that there were no "skips" on it, but that it was punched regularly every half hour from 6:30 in the evening until 2:30 the next morning. It was shortly after 2:30 o'clock that Lee told the officers he had found the body. The time slip which later was turned over to Chief Lanford by Frank had three "skips" in it.

Lee testified that Frank had told him the Sunday the body was found that the clock was punched all right and later contradicted himself by saying there were three "skips" in it, and that it "looked queer."

The implications of such not-so-skillful sleight of hand would not have gone unnoticed by the jurymen, nor by the astute Donehoo.

Conclusion of the Coroners' Inquest

The week-long inquest and the testimony provided there under oath provided ample grounds for a very strong suspicion to be directed upon Leo M. Frank. On Thursday, May 8th, 1913, the Mary Phagan inquest drew to a close.

At 6:30 PM, the jury went into executive session to hear the testimony of Dr. J. W. Hurt, county physician, on what had happened to Mary Phagan shortly before her death and what was the likely cause of her death. The doctor addressed the inquest jury for twenty minutes.

Donehoo convened the jury one last time to hear its findings:

We, the coroner's jury, empaneled and sworn by Paul Donehoo, coroner of Fulton County, to inquire into the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, County Physician, find that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton County grand jury.

(signed)

Homer C. Ashford, Foreman

Dr. J. W. Hurt, County Physician

Coroner Donehoo approved the unanimous finding of the inquest jury.

The Coroner and his six jurymen together voted unanimously 7 to 0, recommending Leo M. Frank (and Newt Lee, who was the subject of the underhanded "bloody shirt" and "missing time slip punches" hoaxes, and who would soon be completely cleared) be bound over for murder and investigated further by the grand jury. (The grand jury of 23 men, which included four Jews, would eventually indict Leo Frank for murder. Jim Conley, the factory sweeper, would eventually be charged also, as an accessory after the fact.)

Police delivered the news to Leo Frank and Newt Lee

Newt Lee slumped his head dejectedly when the bad news was delivered to him.

Deputy Plennie Minor delivered the unanimous verdict of the Coroner's Inquest jury to Leo M. Frank who was being held in the infamous Atlanta Police Tower. Frank was sitting, perusing a local daily newspaper, the *Atlanta Constitution*, at the time. Minor approached Leo M. Frank and told him about the unanimous verdict of the jury, which had ordered that Frank be held for murder and for a more thorough investigation by the grand jury. In contrast to Lee's dejection at the news, Leo Frank insolently replied that it was no more than he had expected -- and continued crackling away and folding the big sheets of his newspaper.

In total more than two hundred witnesses, factory workers, and affiliates had been subpoenaed, providing sworn testimony at the inquest.

In Part 2 which follows, we reproduce for the first time in digital form *all* of the contemporary articles on the Coroner's Inquest published in the Atlanta newspapers -- first those from the *Atlanta Georgian* in chronological order, then all those

from the *Atlanta Constitution* in chronological order, followed, also in chronological order, by those from the *Atlanta Journal*.

* * *

-- PART 2: COMPLETE PRESS COVERAGE --
Full text of articles relating to the Coroner's Inquest in the case of the murder of Mary Phagan

10,000 Throng Morgue to See Body of Victim

Atlanta Georgian

Monday, April 28th, 1913

Coroner's Jury inspects remains and scene of tragedy, then waits until Wednesday

Lying on a slab in the chapel of the Bloomfield undertaking establishment, with the white throat bearing the red marks of the rope that strangled her, the body of Mary Phagan was viewed by thousands this morning.

No such gathering of the morbidly curious has ever before been seen in Atlanta. More people were attracted than by any crime in the history of the city. The crowds came in droves, and a steady procession passed before the slab on which lay the little body. Old men and young men, women with babies in their arms and women who tottered with age, little friends of the dead child and little children who had be raised in the arms of their mothers before they could see the white faces of their dead playmate — crowded into the little chapel.

Crowd Before Daybreak

Long before daylight the crowd began to form in front of the undertaking establishment. By 6 o'clock several hundred had come, and were awaiting with tense eagerness for the opening of the doors. Factory girls and laboring men, passing on their way to work, were caught by the lure of the tragedy and crowded into the line. A number of fashionably dressed women alighted from their automobiles, and with veils drawn over their faces pressed against the plate glass windows of the chapel.

By 8 o'clock there were more than 1,000 persons gathered around the morgue. The jam at the doorway was so great that extra policemen were called. When the doors were opened the crowd was permitted to pass in one by one and view the form.

An old man, who had known the Phagan family for years and had rocked the dead child on his knees, was the first to view the remains. For more than three minutes he stood with bared head beside the body.

It is estimated that 10,000 people have viewed the body of the child since it was found in the basement of the building on Forsyth Street. All day yesterday thousands of people crowded into the little chapel, and P.J. Bloomfield declared that no less than 4,000 persons entered his place during the day.

This morning the crowd was even greater, and since 6 o'clock it is estimated that between 6,000 and 7,000 have passed in silent review before the dead child.

Inquest Is Begun

At 10 o'clock, when Coroner Donehoo began the inquest, the chapel was cleared of the spectators and the body of the child removed to a private room. The men impaneled to inquire into the death of the child were:

Homer C. Ashford, foreman; John Miller, J.C. Hood, C.Y. Sheets, Glenn Dewberry and Clarence Langford.

No witnesses were examined this morning by the Coroner's jury. The six men viewed the remains and were shown by physicians the manner in which the child met her death, after which they visited the plant of the National Pencil Company, where the murder occurred. There they made a thorough examination of the basement where the child's body was found, inspected the tip plant on this second floor, where the bloody strands of hair were found, and followed the trail of blood through the building to the scene of the crime.

At noon Coroner Donehoo dismissed the jury until Wednesday morning at 9 o'clock, when the examination of witnesses will take place. The Coroner refused to give out a list of the persons he had summoned before the jury.

Boy Sweetheart Says Girl Was to Meet Him Saturday

Atlanta Georgian

Wednesday, April 30th, 1913

G. W. Epps, Jr., 14 years old, of 248 Fox Street, who lives just around the corner from Mary Phagan, and who was her boy sweetheart, testified before the Coroner's Jury this afternoon that Mary Phagan had asked him to come down by the factory and go home with her a few days ago. She told him, he said,

that Mr. Frank had been in the habit of going down to the front door and waiting there until she came out and looked suspicious at her and winked. He was asked:

Q. When did you see Mary Phagan last?—A. Saturday morning. We came to town on the car together. We got to town at 12 o'clock. When we got off the car she told me that she was going to the pencil factory to get her pay and would meet me at the (Falkin?) Drug Store at Five Points to see the parade at 2 o'clock. I looked for her all around at that time. I could not find her. I stayed there until about 4 o'clock selling papers. She never appeared. There wasn't much of a crowd and I would have seen her if she had come.

Q. Where did you go at 4 o'clock?—A. I went to the ball game.

Q. Where did you go after that?—A. I went home, reaching there at 7 o'clock.

Q. Did you go over to Mary's house?—A. Yes, I went over there immediately.

**GREAT CROWD AT PHAGAN INQUEST
NEW ARRESTS LIKELY; LEO FRANK STILL HELD;
CASE AGAINST NEGRO**

Atlanta Georgian
Wednesday, April 30th, 1913



Mary Phagan

Inquest Into Slaying of Factory Girl Begins, and Flood of New Light Is Expected To Be Thrown on the Tragedy---Lee Maintains His Story.

The Phagan inquest began to-day at police headquarters. It seemed likely when this edition of The Georgian went to press that a flood of light would be thrown on the murder mystery before the day was over.

Notwithstanding what the police said yesterday—that the mystery had been solved—it does not appear at this time as though it had been solved at all. Various statements have been made by the police officials, that so far have not been borne out by actual facts.

Chief of Detectives Lanford seems to think that there is more evidence against the night watchman, Lee, than any other person, although new mystery is added to this phase of the case with the announcement that other arrests would be made to-day.

Frank is still held by the police.

Every effort to break Lee down and make him confess has failed so far.

Handwriting experts declare that Lee is the author of the mysterious letters that were found.

The bloody stained shirt that belonged to Lee is one of the most important pieces of evidence yet discovered. There has been some doubt expressed as to whether this garment really belonged to Lee.

The inquest at 9 o'clock at the police station. The witnesses and jurors were summoned to meet there instead of at Bloomfield's undertaking establishment at the request of Chief of Detectives Lanford.

Many persons, thinking that the original plan would be carried out, congregated in excited and curious groups outside the Bloomfield building. When the news was spread that a change had been made there was a rush for the police station.

Coroner Donehoo had on hand practically every witness who is known to have any knowledge of Mary Phagan, of the persons on whom suspicion has been cast or of the circumstances which might have been connected with

her presence in the National Pencil Factory and her foul murder.

L. J. Dewberry, of 302 Cooper Street, came to the inquest with the marks of an exciting experience in a fire early this morning upon him.

Dewberry was at the home of his brother-in-law, F. J. Coll, last night. Early this morning the building took fire and Dewberry escaped by the narrowest of margins. He was able to save his clothes and watch, but left his wallet in the flames. The remainder of the occupants did not save their clothes.

Excitement was high when the taking of testimony, but there were no signs of disorder nor of a demonstration against any of the prisoners.

Light will be thrown on the reason for the detention of Leo Frank in the police station all of yesterday afternoon and last night with the detectives insisting that he was not under actual arrest.

The detectives have been reluctant to say anything of the results of the severe grillings they have given both Lee and Frank. They will tell of these to-day when the Coroner's jury sits and decides who shall be held for an investigation by the Grand Jury.



The detectives are not satisfied with the centering of the damaging evidence on Lee. They are working this morning on new clues which may connect others with the crime.

It is almost as certain that two of the prisoners who have been held in custody since the round-up of suspects began will be released to-day, as it is that the negro Lee will be held.

The men who are practically assured of their freedom are Arthur Mullinax, former conductor, and J. M. Gantt, employed at the National Pencil Factory until three weeks ago.

The detectives have been able to fix no strong evidence upon them. So weak was the case against them that they were entirely ignored by the detectives yesterday. They were not "sweated." They were not even questioned. They simply were left in their cells to themselves, visitors being denied them for the most part. Late in the afternoon Gantt was delivered over into the charge of the Sheriff.

Practically every witness who has been able to throw any

INQUEST ON TO SOLVE PHAGAN SLAYING CASE

light on Atlanta's gripping crime mystery has been summoned to appear before the jury to-day. A few will be only briefly questioned, but others whose knowledge of some of the phases of the mystery is believed to be important will be subjected to a more searching examination.

Handwriting of Notes is Identified as Newt Lee's

Atlanta Georgian

Wednesday, April 30th, 1913

F. M. Berry, one of the most important witnesses of the afternoon, identified the handwriting on the notes found near Mary Phagan's body as practically the same as that of Newt Lee, who wrote a test note for the detectives.

Mr. Berry said that he had been connected with the Fourth National Bank for 22 years and is at present assistant cashier. During these 22 years he said that he had studied handwriting continually. He was given both notes found by the body of the girl and was asked if they were written by the same person. He said they were.

He then was given another of other notes and asked to pick out the one written by the same person that had written the notes found by the body of the dead girl. He selected two and said that they had been written by the same person that had written those discovered beside the girl. Berry was dismissed and Detective Starnes called.

Detective Starnes picked up the notes that Berry had picked out of the collection and said that they had been written by Lee. He said that he had dictated one and that another detective had dictated the other.

He said that he dictated one of the notes found except the last word "slef," which he was unable to decipher. He showed the note to Lee and asked him to write that last word. Starnes said that he wrote it readily, spelling it again s-l-e-f. Starnes was dismissed and R. P. Barrett was recalled.

Q. Who worked at the plant Saturday afternoon?—A. Two boys worked on the top floor. One of them named Harry was crippled. I don't know what the name of the other one was.

Q. Were you at the factory at all Saturday?—A. No.

Q. Have you ever heard of anyone using the place at night?—A. Yes, sir.

Q. Who used it?—A. Mr. Calloway said that he saw young girls, boys and men go in there at night.

(Coroner Donehoo asked the detectives to get Mr. Calloway. His initials or employment were not mentioned by the witnesses, but some of the persons present thought the witness meant E. F. Holloway, timekeeper in the pencil plant.)

Q. When did Mr. Calloway tell you this?—A. To-day.

Q. Had you heard it before?—A. Yes, sir.

Q. Has the night watchman always been a negro?—No, we used to have a white man.

Q. Did Calloway tell you how these people went in that place?—A. No, sir.

Q. Did he say who let them in?—A. No, sir.

Machinist Tells of Hair Found in Factory Lathe

Atlanta Georgian

Wednesday, April 30th, 1913

R. P. Barrett, 180 Griffin Street, a machinist at the National Pencil Company, was one of the witnesses of the late afternoon.

He was asked:

Q. How long have you worked at the National Pencil Company?—A. Seven weeks the last time. I worked there about two years ago.

Q. Did you know Mary Phagan?—A. Yes.

Q. What did she do?—A. She ran a "tipping" machine.

Q. When did you last see her?—A. A week ago Tuesday.

Q. Did she work last week?—A. No.

Q. You say you worked in the same department with Mary Phagan? Were your machines close together?—A. Yes.

Q. When did you go to work?—A. Monday morning.

Found Spots on Floor.

Q. Did you find anything unusual?—A. When I went in I was told that Mary had been murdered in the plant and I saw spots on the floor that I thought were (?) used by blood. It looked as though someone had tried to sweep them away, and as though whitewash had been poured over them. I called Mr. Quinn, the foreman, and he notified the detectives. The blood spots were chipped up off the floor and taken to the police station.

Q. Did you find anything on any of the machines?—A. Mr. Quinn gave me some work to do and I started to work on one of the hand lathes. I started to lathe and some hair tangled in the machine, got twisted in my fingers. I called Mr. Quinn and all the girls came up and identified the hair as that of Mary Phagan.

Q. Whose hair do you think it was?—A. It looked to me like Mary's.

Q. How long have you known Mary?—A. Six weeks.

Q. Was she quiet?—A. Mary was a very nice, quiet girl, and I never had seen her in any misconduct.

Q. Have you ever seen any men with Mary?—A. No. I have seen Mr. Gantt come through and speak to all the girls, but I never saw him speak to Mary in particular.

Q. How large was the place that seemed marked over with whitewash?—A. It was a spot four or five inches in diameter.

Girls Feared Frank.

Q. Did you see traces of blood around the elevator?—A. No, sir.

Q. How far was it from the elevator?—A. Fully two hundred feet.

Q. Was Mr. Frank familiar with the girl?—A. Not that I know of.

Q. Did you ever see them together?—A. I never have. I have heard the girls singing at their work, and when Mr. Frank would come they would stop. They were afraid of displeasing him.

Q. In what condition was the hair that you found?—A. Tangled and torn.

Q. How many hairs were there altogether?—A. About a dozen.

At this point Mr. Barrett was dismissed, and F. M. Berry, assistant cashier of the Fourth National Bank was called to the stand.

Newt Lee on Stand at Inquest Tells his Side of Phagan Case

Atlanta Georgian

Wednesday, April 30th, 1913

Describes finding of body of slain girl and events at Pencil Factory before and at time of discovery of crime

Newt Lee, watchman at the National Pencil Company's factory, who notified the police of the discovery of Mary Phagan's body, told his complete story on the stand at the coroner's inquest today.

Lee was on the stand for more than an hour and was plied with questions intended to throw light on the tragedy. He replied to questions in a straightforward way, and in detail his story is substantially the same as he has made to the reporters ever since his arrest.

His most significant answers concerned his employer, Leo M. Frank, superintendent of the factory. Lee said that when he reported at 4 o'clock for work, Frank told him to go home until 6. He declared that Frank seemed excited, but added that he attributed that excitement to the fact that Frank had just discharged John Gantt, and might have feared trouble. He said he reported back for work at 6 o'clock and that a few hours later Frank called him up by phone from his home to ask him if things were all right. The witness testified that his employer had never done this before.

Chief of Police Beavers said that Leo M. Frank, superintendent of the National Pencil Company, would go on the stand before the coroner's jury probably late this afternoon.

The Chief said he could not force him to testify as he was in the nature of a defendant, but Attorney Rosser said there would be no objection.

E.L. Sentell, on the stand this afternoon, reiterated that he had seen Mary Phagan with Arthur Mullinax at midnight Saturday night. His testimony and that of other witnesses is printed on page 4.

Newt Lee's Testimony as He Gave It at the Inquest

Atlanta Georgian

Wednesday, April 30th, 1913

Newt Lee, the negro night watchman, was questioned as follows:

Q. What is your name? A. Newt Lee.

Q. Where do you live? A. Rear of 40 Henry Street.

Q. What do you do? A. Night watchman at the National Pencil Company.

Q. What kind of work do you do? A. Watch and sweep up the first floor.

Q. What time do you go to work? At what time? A. Six o'clock. If it is not quite 6 o'clock I go around and see if the windows are down. If it is at 6 I punch the clock and then go around.

Q. What else do you do? A. I go around all over the upstairs floors. If I have time I go in the basement, but if not, I go in the basement afterward. It takes me 25 minutes to make my rounds upstairs when I hurry. I punch every half hour.

Frank Sent Him Away.

Q. How many keys have you to the building? A. I had but one key which unlocks the building.

Q. What time did you get to the building Saturday? A. Four o'clock.

Q. Why did you get there at that time? A. Friday was pay day, and Mr. Frank told me to come at 4 o'clock Saturday, as it was Memorial Day. When I came in he sent me away again. When I went in he came out of the outer office, rubbing his hands, and told me he was sorry he had brought me down so early, as I could have been sleeping. He told me to go back out in town and not to get back later than the usual time of 6 o'clock.

Q. What's on the first floor? A. Just boxes; they don't use it.

Doesn't Use Elevator.

Q. Where was the elevator when you went in at 4 o'clock? A. I don't know, cap, because the elevator doors were shut and you can't tell where the elevator is. But the elevator is supposed to stay on the first floor, they told me.

Q. Is there a door in the basement at the elevator? A. Yes. There's one that slides up, too.

Q. Do you ever use the elevator? A. No, sir.

Q. Does the machinery have to be used for the elevator to be running? A. I think so.

Q. When you went upstairs and opened the doors on the stairway you made some noise, didn't you?
A. Yes.

Q. Where was Mr. Frank when you went in? Did you hear him come out of his office? A. I just saw him come out. I said, "All right, Mr. Frank," like I always do and he came out of the outer office.

Q. Could anyone be in the office and you not see them? A. Yes, sir.

Heard No One in Office.

Q. Did you hear any one talking in his office? A. No, sir.

Q. Where did you go when he told you that you could go? A. I went right down and out the door. I went up to Alabama Street to Broad, and over to near Decatur Street and Central Avenue and looked at a medicine show a fat man was giving for negroes.

Q. What time did you go back? A. Just a few minutes before 6.

Q. Did you punch at 6 o'clock? A. Just at 6. Mr. Frank came on out and put cards in the clock. He then went back in the office and I went downstairs.

"While I was there Mr. Gantt came from across the street and said he wanted to get a pair of shoes. I told him I couldn't let him in, and he asked if Mr. Frank was there. I told him yes, and that I would go get him.

Frank Looked Frightened.

"At this time Mr. Frank came down and looked a bit frightened. I think he looked that way because Mr. Frank had discharged Mr. Gantt and thought Mr. Gantt might start some trouble.

"Mr. Gantt told him he wanted his shoes and Mr. Frank, after talking a few minutes, told me to go up there with them. I did, and we found the shoes where he had said they were. He asked me for some paper and twine and wrapped the shoes up. He asked me if he could use the telephone. He called up some lady and said he wouldn't be out until 9 o'clock. He then went downstairs and out of the building. I locked the door behind him and saw him go up the street.

Watched Gantt Go Out.

Q. What did you do then? A. I watched Gantt as he went out and then I punched the clock for 6:30.

Q. Did you see Gantt at 4 o'clock? A. No.

Q. When Mr. Frank came and met Gantt, did you go right upstairs? A. Yes, sir.

Q. Where was Mr. Frank? A. I don't know.

Q. Did you lock the door? A. I unlocked the door and let Gantt out.

Q. Where were you when Mr. Frank came? A. We were all on the outside when Mr. Frank gave Gantt permission and I went in with Mr. Gantt.

Q. Did you go to the toilet and machinery room at 4 o'clock? A. No, sir.

Q. Is there a carpet or a rug on the floor in Mr. Frank's office? A. No, sir.

Frank Was Rubbing His Hands.

Q. When you went upstairs at 4 o'clock and said, "All right, Mr. Frank," and Mr. Frank came out, was he excited? A. Yes, sir; he was rubbing his hands.

Q. Was that unusual? A. Yes, sir.

Q. Have you ever seen him do that before? A. No, sir.

Q. When did Mr. Frank tell you to watch Mr. Gantt? A. When they turned him off.

Q. Did you know why Gantt was discharged? A. No, sir.

Q. How long have you worked in the pencil factory? A. Three pay days.

Q. How often do they pay you? A. Every Saturday.

Q.—Have you told me everything that was said by you and Mr. Frank before he left the factory? A.—Yes, sir; only I offered him some bananas and he wouldn't take them.

Saw Frank Leave Also.

Q.—How long did it take Mr. Gantt to find his shoes? A.—Very little time. He found his shoes and went out of the building after he talked over the telephone.

Q.—Do you know whether Mr. Frank left the building during that time? A.—He went outside. I don't know whether he came back in or not.

Q.—Did you see Mr. Frank walk away? A.—Yes.

Q.—Where did he go? A.—He went up Forsyth Street toward Alabama.

Q.—How long have you worked for Mr. Frank? A.—Just three paydays.

Q.—How long have you known him? A.—Just since I have been there.

Q.—When did you see that all of the windows of the plan were drawn? A.—When I made the rounds just before making my 7 o'clock punch.

Gas Light Changed.

Q. What did you do then? A. I went into the basement a few minutes after 7 o'clock.

Q. What is on the top floor? A. A whole world of machinery.

Q. Where were Gantt's shoes? A. In the shipping department, near the front.

Q. How do you get to the basement? A. Through a scuttle hold.

Q. What part of the basement did you go to? A. To a light near the ladder only a few feet from the ladder.

Q. Did you light the gas in the basement? A. No, sir. It was lighted, but it wasn't like I left it that morning. It was turned down like a lightning bug.

Q. What time Saturday night did you get a telephone call? A. I don't remember the exact time.

Q. Who called? A. Frank.

Q. Was that the only call? A. Yes, sir.

Frank Telephoned Him.

Q. What did you do when the phone rang? A. I took down the receiver and said, 'Hello!' He said, 'Hello,' and said it was Mr. Frank. I said, 'Is this you, Mr. Frank?' Then he said, 'How is everything, Newt?' I told him everything was all right and he hung up.

Q. Had Frank ever called you before over the phone? A. No, sir, he never had.

Q. Did he say where he was? A. No, sir.

Q. Did you punch your clock every half-hour Saturday night? A. Yes, sir; every half-hour from 6 o'clock until I found the body.

Q. What did Mr. Frank say to you Sunday morning? A. He said the clock had been punched all right.

Q. Did he say the clock had been punched regularly? A. Yes, sir.

Q. You say you pushed the clock every half-hour? Did you go to the toilet that night? A. Yes, sir.

Q. Where did you go? A. Upstairs.

Q. When did you go to the toilet again? A. Almost 3 o'clock. I waited because I wanted to go into the basement on my rounds, so I waited and went into the toilet in the basement.

Q. How did you get down into the basement? A. I went down the ladder and went back to the toilet. I set the ladder on the floor against the side of the toilet. I came out of the toilet and stepped up a few feet. I don't know just how far. I looked to see if the back door was all right, and to see if there was any fire in the basement. Then I saw the body.

At this juncture Lee's testimony began to differ materially with that of the officers, who said that the body was lying face downward.

Thought It Was Trick.

Lee continues: "I thought it was something some devilish boys had put there to scare me. I went over and saw it was a body and I got scared. Then I called the police. I tried to get Mr. Frank."

Q. Whom did you call first? A. The police.

Q. What did you say? A. I was scared and I don't know what I said. I tried to tell them that I had found a dead body.

Q. How did you know the number of the police station? A. Mr. Frank gave it to me and told me to call it if anything ever happened around the plant.

Q. How was the girl lying when you found her? A. On her back. (Officers had testified that they found her on her face.)

Q.—How did you happen to see her? A.—I saw her when I walked out to look for a fire.

Didn't See Whole Body.

Q.—Did you walk beyond that partition in the basement? A.—No, sir. I just saw parts of her. I saw her legs.

Q.—Did you put your hands on her? A.—No, sir.

Q.—What kind of an examination of the body did you make? A.—None; I just looked and saw that it was a dead body.

Q.—Was her head toward you? A.—No, sir. I couldn't see her head until I had walked around.

Q.—Did you see any bruises on her? A.—No, sir, I just saw blood and lots of dirt.

Q.—How did you find her? A.—On the flat of her back.

Waited for the Police.

Q. How was the head? A. On one side.

Q. You didn't touch her or make any examination? A. No, sir; I didn't touch her.

Q. After you called the police, did you go down into the basement before they came? A. No, sir.

Q. How did you come to turn her over? A. I didn't turn her over.

Q. How did you know she was dead? A. I knew she was dead because she was there. There ain't no white woman going to be there if she ain't dead. She was all dirt and bloody. I knew she was dead, boss.

Q. Was Mr. Frank at the plant Sunday morning when the police took you back there? A. No, sir.

Didn't Come in at Once.

Q. Did he come after you got there? A. Yes, sir, they sent an automobile for him.

Q. Was he excited when he came in? A. He didn't come in right away.

Q. Who have keys to the plant? A. Me and Mr. Frank and Mr. Darley. I don't know who else.

Q. Did you ever let anyone in after 6 o'clock? A. No, sir.

Q. Did you lock the door at 6 o'clock? A. Yes, sir.

Q. When do the fireman and the elevator man leave? A. I don't know. They're all gone when I get there.

Q. Who stays in the plant from half past 5 to 6 o'clock when you're not there? A. Mr. Frank and the bookkeeper, and sometimes the lady who stays in the office.

No One There After 6 o'Clock.

Q. Was anyone working there after 6 o'clock Saturday night? A. Not that I know of. There were no lights and all the windows were like I left them.

Q. Did you see blood in the machinery room on Saturday night? A. No, sir; I had to go through the room where they say the lady was killed, but I never saw no blood.

Q. Where are the dressing rooms? A. Why, there's dressing rooms all over the building, boss.

Q. Did Mr. Frank say the clock was punched all right? A. Yes, sir; on Sunday morning he said I had never lost a punch.

Q. When did you first tell any one that Frank sent you away from the factory Saturday afternoon? A. I don't know when I told it, boss.

Went to Basement Every Hour.

Q. Did Mr. Frank ever tell you that the clock was not punched regularly last Saturday night? A. Yes, sir; he told me on Monday morning that the clock was not punched right.

Q. How often did you go to the basement Saturday night? A. Every hour, but only a few feet from the ladder.

Q. Could anyone have used the elevator and you not know it? A. No, sir.

Q. How was the body lying when you went back with the officers? A. Like I found it.

Q. On its face or on its back? A. The same way, boss.

Q. When did you turn out the gas? A. I didn't turn it out.

Q. Was it burning when the officers came? A. Yes, sir.

Q. What kind of a lantern did you have? A. Just an ordinary lantern, boss.

Q. Was the lantern dirty? A. Yes, sir.

Knew It Was White Girl.

Q. Could you tell by the light of the lantern whether the woman was white or black? A. Yes, sir; I could tell by the skin and by the hair.

Q. Was the head the only skin of the girl you saw? You didn't see her legs or her body? A. No, sir.

Q. Do you know any of the operatives? A. No, sir; they're always gone when I get there.

Q. What is the back door for—the one in the basement? A. I don't know.

Q. Did you ever see it open? A. Yes, sir; last Friday morning.

Had No Back Door Key.

Q. Did you have a key to the back door? A. No, sir; the fireman had one.

Q. Was the fireman supposed to be there at night? A. No; he leaves when I get there.

Q. What's his name? A. Knox.

Q. Is he a negro? A. Yes.

Lee was excused and J.M. Gantt, who was in the factory Saturday afternoon to get a pair of shoes he had left there, was called to be questioned by Coroner Donehoo and others.

Sergeant Brown Tells His Story of Finding of Body

Atlanta Georgian

Wednesday, April 30th, 1913

Sergeant R. J. Brown, the second witness at the inquest, corroborated Anderson's story of the finding of the body. Brown, who was in charge of the morning watch, was one of the four men who answered the call of the negro night watchman, Newt Lee.

Brown was interrogated as follows:

“How did you get to the factory?”

“Call Officer Anderson answered the phone call, and Anderson, Sergeant Dobbs, myself and a man named Rogers—we call him ‘Boots’—went in Mr. Rogers’ car to the factory.”

“Who met you when you got there?”

“We got to the building and shook the door and a negro came and let us in. We asked where the body was and the negro said: ‘Come this way.’ We went to an opening in the floor near the elevator and we went down a ladder into the basement. Sergeant Dobbs and I were in front with the negro, striking matches and looking around.

Negro Carried Lantern.

“The negro was with us, carrying a dim lantern. We found the body lying face downward, the arms folded underneath. I looked at the body and said: ‘For Heavens’ sake; It is only a child.’ I turned the body over and it was cold and stiff. I couldn’t tell whether it was white or colored. I rubbed the dirt and trash and cinders from her face with a piece of paper, and then I said that she was a white girl and others said she was colored. It was not determined until Call Officer Anderson pulled her stocking down and looked at her leg. Then we saw that she was white.”

“Did you see any indications of the body having been dragged?”

“There was an impression on the pathway over which we had come as though something had been dragged along there, but the light was very dim and it was hard to tell.”

“Did you find any paper?”

“A couple of notes were picked up. I think one was found by Sergeant Dobbs and one was found by me.”

“Was the inside of the girl’s mouth clean?”

"It was covered with dirt."

"Was her mouth open?"

"Her mouth was open and the tongue was hanging down toward the chin. The lips and corners of her mouth were covered with dirt."

"Was her face imbedded in the ground?"

"I didn't notice."

"Could the dirt in her mouth have come from lying down?"

"Not all of it."

"Did you see a cord around her?"

"Yes, a cord was around her neck and a piece of her underskirt was tied around her neck."

"Did you go to the back of the building?"

"I did."

"What did you find?"

"I saw that the staple and lock on the back door had been unfastened."

"Was the door open?"

"No; it was unlocked, though, and the staple was pulled."

"Could the staple have been pulled from the outside?"

"No, sir."

"What kind of lantern did the negro have?"

"An ordinary lantern with a dirty globe."

How Negro Found Body.

"What did Lee say to you?"

"He said he knew nothing of the girl's death. He said he rarely went into the basement and that on this occasion he went to use the toilet. He said after he had used the toilet he saw the girl's body lying over there."

"Did he say how far she was from the toilet?"

"Not in figures, but the toilet is 25 feet from where the body lay."

"Did he say how the body was lying?"

"No, sir, not to me."

"Did he say he had touched the body?"

"Not in my presence."

"Did you call Mr. Frank over the telephone?"

"No, I guarded Lee while Anderson called him."

"How long did Anderson wait on Mr. Frank?"

"He waited some time. He asked central to hurry the call. He told central that a woman had been murdered there and that he was very anxious to get Mr. Frank."

"What kind of clothing did the girl wear?"

"A kind of a purple dress."

Body Not Obscured.

"Could you see the body from where the negro, Lee, was standing when he said he saw it?"

"I can't say, but to do that one would have to look right close."

"Did the corner of the little room obstruct the view of the body from the toilet?"

"I think it would have, of the head and shoulders, not of the legs."

"Was the cord around her neck tied in front or behind?"

"I think it was looped in the rear."

"Did you see evidence of a struggle?"

"I don't know that I did. We went down into the basement hurriedly and right up to where the negro said the body was."

"Did you start an investigation?"

"We looked around as much as we could, and then notified Chief Lanford, and his men came and took charge of it."

"Did you go upstairs?"

"No, sir."

"Were the gas jets in the basement lighted?"

"No."

"Did you use the elevator?"

"No, we used the ladder altogether."

"Did the negro say that the elevator had been used during the evening?"

"No."

"Was anything found upstairs when you went up to telephone?"

"No, we didn't look around there much. We had no light."

"How far did the girl's tongue protrude from her mouth?"

"This far." (The witness measured about an inch and a half on his fingers.)

"Was the body cold?"

"Yes, and a bubbly streak was coming from her nostrils. Blood was running from her ears and her mouth."

Dr. J. W. Hurt, county physician, who performed the autopsy on the dead girl, asked the witness several questions relating to the condition of the body below the shoulders.

He asked:

"When the stocking was pulled down, did you loosen any strappings to do so?"

"No, the supporter from the corset was loose."

"Was the catch on the supporter broken, or only unfastened?"

"I don't think it was broken."

"Did Anderson loosen the supporter?"

“No.”

“Did he use any violence in examining the body?”

“No.”

Dr. Hurt then turned the witness back over to the jury.

Draw Knot About Neck.

“How was the cord tied about her neck?”

“It was looped and tied with a draw knot.”

“What else was around her neck?”

“Two pieces of her underskirt had been torn away, tied together and bound around her neck.”

“How tight was the cord drawn?”

“Tight enough to have choked her to death.”

“Which was tied on first?”

“I think the cord was.”

“What do you think caused her death?”

“Strangulation.”

Tells Jury He Saw Girl and Mullinax Together

Atlanta Georgian

Wednesday, April 30th, 1913

Edgar L. Sentell, the man who identified Mullinax as being the man he saw with Mary Phagan Saturday night was the first witness to take the stand when the coroner's jury convened at 2:30 o'clock.

The witness said that he worked at Kamper's grocery store, starting to work there last Thursday. He was questioned as follows:

Q. How late did you work Saturday night? A. To about 10:30 o'clock.

Q. What is your work? A. I drive a wagon.

Q. What time did you get in with your wagon Saturday night? A. About 9:30 or 10 o'clock.

Q. What did you do after that? A. I stayed about the store for a little while, then went down to the drug store on the corner.

Saw Girl and Mullinax.

Q. How late did you stay there? A. I do not know exactly. I started walking to town and when I reached the Carnegie Library, I waited for a Magnolia street car. I think I waited about ten minutes and then found that the cars had quit running.

Q. Did you see Mary Phagan Saturday night? A. Yes, sir.

Q. Was she with any one? A. She was with this fellow Mullinax.

Q. What time was it? A. I do not know exactly. It was some time between 11:30 and 12:30 o'clock. I think it was nearer 12:30 o'clock, as the cars had quit running.

Q. Where did you see them? A. On Forsyth Street, near Hunter.

Q. What were they doing? A. They were walking toward me.

Q. Were they together? A. They were not exactly together.

Q. Just how were they? A. She as on one side of the sidewalk and Mullinax was on the other.

Q. Did she wear a hat? A. No.

Certain of Identity.

Q. Could you swear that it was Mary Phagan?—A. Yes.

Q. Are you sure that it was Mullinax?—A. I could, not say positively, but it was a man who looked like him, and I have not seen anyone who looks so much like the man I saw as Mullinax does.

Q. How long have you known Mullinax?—A. I have just known his name since Sunday.

Q. Did you know him before?—A. I used to see him around the car barns when I worked there last June, but I did not know his name.

Q. What were you doing around the car barns?—A. I worked there.

Q. When did you first hear of the death of the girl?—A. About 10 o'clock Sunday morning when I was on the car on my way to my aunt's.

Q. How did you know it was Mary Phagan?—A. I heard the street car men talking. They said the dead girl's name was Phagan, and I thought it might be Mary Phagan, as I had seen her out late the night before.

Q. When did you first tell of seeing her?—A. I went right on out to the Phagan home instead of going to my aunt's to find if it was Mary, and told them at the house that I had seen her.

Q. Where is your home?—A. My people live at East Point, but I board at 82 Davis Street.

Q. What work did you do before going with the Kamper Grocery firm?—A. I was in the Navy.

Q. When did you quit that work?—A. April 18.

Q. How long were you there?—A. About three months.

Q. Why did you quit?—A. I was discharged on account of weak eyes.

Q. What was the trouble with your eyes?—A. I could not see the targets.

Q. Do your eyes trouble you ordinarily?—A. No, sir.

Q. Are you quite sure they did not fail you when you met this girl Saturday night?—A. Yes, sir.

Q. Do you drink?—A. Sometimes, but I have never been drunk.

Q. Had you been drinking Saturday night?—A. No, sir.

Tells of Watchman Lee 'Explaining' the Notes

Atlanta Georgian

Wednesday, April 30th, 1913

Sergeant L. S. Dobbs was the third witness. He said he answered the call to the pencil company plant Sunday morning.

Q.—Did you find an umbrella? A.—No. Lassiter did.

Q.—Did you find the notes there? A.—One of them.

He then identified the two notes.

Q.—Were you at the plant when Lassiter found the umbrella? A.—No; he found them about 7 o'clock.

Q.—Where did you find the body? A.—About 150 feet from the elevator shaft.

Q.—Did you examine the body?

“Yes. When I turned the body over I found the face full of dirt, and could not tell if it was a white girl or negro. We examined the legs and found it was a white woman.

“I became suspicious of the negro and questioned him. I said: ‘You know something about this,’ and he became very much excited. We read the notes, and without anyone making comment the negro said the word ‘night’ meant the night watchman.

Body Had Been Dragged.

“I asked him why he went downstairs and he said to use the toilet. I asked why he didn’t use the toilet on the second floor and he said white folks didn’t like for negroes to use their toilet.

“I had Williams to lie down on the ground. Unless one looked directly at the body it could not have been seen from the toilet.

“In going back to the scene after daybreak, we discovered traces showing a body had been dragged from where the umbrella was found at the elevator to where it was found.”

Q.—Could an ordinary man have taken a body down the ladder? A.—I don’t think so.

Q.—Had the elevator been used that night? A.—There was no way to use it. The watchman did not know how to run it.

Q.—Did the scratching on the ground show that a person might have stopped with the body? A.—No. It was continuous.

Shoe Found in Path.

Q.—Was the shoe found directly on the line in which the body had been dragged? A.—Yes; just a little to one side, and also the hat.

Sergeant Dobbs described the location of the body, which coincided with other testimony.

Q.—Was her clothing brighter than any boxes that were around? A.—No.

Q.—Was there any warmth in body? A.—No. I could work the fingers slightly.

Q.—Have you had much experience in handling dead bodies? A.—No.

Sergeant Dobbs said the negro told him no one had been in the building since 6 o'clock.

Q.—After the negro had gone upstairs after you found the body, did he go back down stairs? A.—
Yes.

Q.—Did you notice any opening in the partition when you first went down? A.—No. I thought it was a solid wall.

Went Down Scuttle Hole on Ladder to Reach Body

Atlanta Georgian

Wednesday, April 30th, 1913

Previous to Watchman Newt Lee's testimony, three police officers, who were called to the pencil factory when Mary Phagan's body was found, testified. Their testimony, with the exception of such parts as were unfit to print, follows:

W. T. Anderson, police call officer on duty Sunday morning, was first witness.

"We went over in an automobile to the pencil factory and the negro took us into the cellar where the body was found," he said.

Anderson told of the location of the scuttle hole, from which a ladder led to the basement, and of the location of the body.

"At the foot of the ladder I did not find anything," he went on. "On the left of the basement is a partition part of the way, forming a room. The body was at the lower end of the partition, a few inches from the partition and about six feet from the outside wall of the building. Her head was toward the front of the building. She was lying on her face. The cellar was very dark.

"I did not see the body until I reached it. There is a toilet on the opposite side of the basement, on the right side next to the boiler. There was rubbish, shavings and the like. I did not see any white trash lying about.

"Sergeant Dobbs picked up one of the notes while I was there. Think I could identify them."

On being shown several papers Anderson selected one of the papers as one of the notes found. It was the note written on yellow paper.

"We also found a tablet and a pencil. There were four or five of us there, and I do not know who found it.

"Right in front of the body on the right side, I found her left shoe and hat. She was dressed in a dark colored dress. She had no shoe on her left foot. Her clothes were up to her knees.

"Her left leg just below the knee the stocking was torn and her leg skinned. There was blood on her head, while her eyes were bloodshot. A piece of wrapping cord and her underskirt band were tied around her neck. There was a cut on the back side of her head by the left temple. Her mouth and eyes were filled with dirt and sawdust. She was covered with so much dirt that I could not tell whether she was white or black, and had to pull down one of her stockings to tell whether she was white. Her legs below her knees were also covered with dirt and sawdust.

Staple Pulled From Door.

"There was a staple pulled out of the lock at the back door. It is a side door. It has a bar with a hasp. There was a lock in the staple, but the door was closed. There was a lock in the staple, but the door was closed. Sergeant Dobbs and Brown were there before me."

"There was blood on her head, stomach and legs. I had a flashlight with me. The watchman had an ordinary lantern, the globe of which was smoked. It did not give much light.

"It was about 25 or 30 feet from negro's toilet to where the body was lying. I could not see the body from there with his lantern, could not see over 10 or 12 feet with it.

“She had on a white underskirt. Her head was in line with the corner of the partition. A flashlight would have shown the body. It struck me that she would have been too far behind the partition for the lantern light to show her.

What Negro “Thought at First.”

“The negro watchman told me when he saw the body at first he thought some one had placed something there to scare him. He said he did not go down there very much, going down that time to the toilet.

“I questioned the negro at length. He said the toilet in basement was for negroes.

“After questioning the negro, I called Frank at his residence, but could not get him. I then called Mr. Haas, of the National Pencil Company. One of the women members of the family talked to me. Sergeant Brown instructed me to call some of the head men of the pencil company.”

Officer Anderson identified the clothing worn by the girl when he found her in the basement. He was then dismissed.

Officer Anderson was called in again and asked to identify the dead girl’s clothing. In answer to a question, he said the girl’s stocking supporters were unfastened.

Q.—Did the negro say it was a white woman or a negro when he telephoned? A.—He said: “A white woman has been killed up here.”

Q.—Did he tell you how she was lying? A.—He said she was on her back.

Negro Was Excited.

Q.—Was he excited? A.—Yes.

Q.—How long do you think the girl had been dead? A.—I don’t know much about that, but she was not much right.

Q.—Were there any signs of a scuffle? A.—Behind where she was lying there were evidence of a struggle. We found a bloody handkerchief seven or eight feet from the body.

Q.—Did you see a handbag? A.—I did not. I did not see any evidences of her pay envelope.

Q.—What kind of investigation did you make? A.—The first thing we did was to look for the left shoe. We did not make any investigation on the second floor.

Witness Saw Slain Girl and Man at Factory Door

Atlanta Georgian

Wednesday, April 30th, 1913

J. G. Spier followed Newt Lee on the stand. He lives at Cartersville, Ga.

Q. Were you about the National Pencil Company plant? A. Yes, sir; we walked over to the Terminal station from the Kimball House. I was with a friend. I left the Terminal station at 10 minutes of 4, then walked back there, going back Forsyth Street. I passed the pencil factory about 10 minutes after 4 o'clock. I noticed a young girl and a young man, a Jew of about 25, talking.

Q. Were they excited? A. My impression was that they were. The girl seemed excited and the man nervous.

Q. Was his face flushed? A. He had the appearance of having had a drink. That was my impression.

Q. Did you come back by there later?

Couple Still There.

A.—Yes; I came back to the Western Union to see a friend. The same couple was there.

Q.—Are you sure they were the same couple?

A.—I judge they were.

Q.—Were they in the same position?

A.—The girl had moved to the outer edge of the sidewalk.

Q.—Did you see the girl again?

A.—Yes, the next morning I saw her in the Bloomfield undertaking place. It was the dead girl.

Q.—Have you seen the man since?

A.—I think I did. I saw a man at the pencil factory Sunday whom I was told was Mr. Frank, but I have been told since then that it was not him.

Q.—When did you learn of this?

A. Sunday morning when I was on a car continuing a private investigation of another matter for which I was here. I bought an extra, put it in my pocket and did not read it until I got on the car. I was looking for a Fair-Street car.

Q. What time did you catch a car?

A. About 8 o'clock. I got off the car at Broad Street and talked to a policeman. We walked down to the pencil factory and I told him all I knew.

Q. What was the complexion of the man you saw Saturday?

A. I couldn't say.

Q. You are sure he was a Jew?

A. Yes.

Q. How tall?

A. About to my shoulder.

Q. How was the girl dressed?

A. I think her clothes were a little dark.

Q. Did she have ribbon on her hair?

A. I think so. I think she had her hair hanging down her back.

Q. You can't remember the man, but you remember the girl?

A. Yes.

Q. Do you know whether she was bareheaded?

A. I can't say.

STATE ENTERS PHAGAN CASE; FRANK AND LEE ARE TAKEN TO TOWER

Atlanta Georgian

Thursday, May 1st, 1913

Watchman and Frank Go on Witness Stand This Afternoon---Dorsey, Dissatisfied, May Call Special Session of Grand Jury To-morrow.

Coroner Donohuo [sic] late to-day issued a commitment against Leo M. Frank, superintendent at the National Pencil Company, and Newt Lee, night watchman, charging them with being suspected in connection with the death of Mary Phagan and remanding them to the custody of the sheriff. They were later taken to the Tower.

Arthur Mullinaux [sic], held since Sunday, was released.

Frank's commitment read as follows:

To Jailor:

You are hereby required to take into custody the person of Leo M. Frank, suspected of the crime of murdering Mary Phagan, and to retain the said Leo M. Frank in your custody pending the further investigation of the death of the said Mary Phagan, to be held by the Coroner of said county.

Coroner Donohoo [sic] adjourned the inquest into the death of Mary Phagan this afternoon until 2 o'clock Monday, without the taking of any testimony. The Coroner said the adjournment was taken for the purpose of obtaining more clearly defined evidence.

The delay is believed to be the result of a request from the police department and is interpreted to mean that the detectives are on the trail of new and important evidence not previously brought to light.

The State made its first move in the Mary Phagan case to-day when Solicitor General Dorsey called into conference Chief of Detectives Lanford and Chief of Police Beavers.

Mr. Dorsey wanted to know just what the police have done in the case, and it was for this reason he questioned Lanford and Beavers.

A new arrest was made in the Phagan case this afternoon. Detectives arrested James Conolley [sic], a negro employed at the National Pencil Company factory.

Connolly [sic] is a sweeper in the factory. The arrest was made on private information given over the telephone to the police that Connolly [sic] had been seen washing some clothing in the factory. He is about 30 years old.

Connolly [sic], at the police station, told the detectives that he was washing his shirt because he was summoned to the inquest this afternoon. The police were inclined to attach little importance to his arrest.

Newt Lee, the night watchman at the National Pencil Company's factory, will again go on the witness stand to supplement his testimony. Lee is said to have given important information to the detectives after a two – hours cross-examination this morning.

Leo M. Frank, superintendent of the factory, also will be a witness this afternoon.

Calls Inquiry Hesitating.

"The investigation has been hesitating," said Mr. Dorsey, before his conference with the police officials. "All leads given the police have not been followed closely and there is much more to this thing that has not been brought out. Unless some decisive action is taken quickly the mystery will remain unsolved."

At the end of the conference, Solicitor Dorsey and he had not fully made up his mind about taking over the case, but it was probable he would reach a decision in time to present the matter to the Grand Jury to-morrow if necessary. He told Chief Beavers and Chief Lanford that the handwriting evidence, what he considered the best possible clue, had been very badly handled by the police, particularly so in permitting Lee to copy the note instead of dictating it to him. He said the handwriting tests had been far from thorough. He criticized two police officials for laxity in one or two other features of the case.

Chief of Detectives Lanford, following the examination of Lee, declared that the watchman had made no confession, or part of one, implicating himself, but that he had divulged facts which will tend to lift the veil of mystery from the murder.

The police say that Lee's new testimony will relate directly to a conversation that the watchman and Frank held in Lee's cell on Monday.

Talk With Frank Is Basis.

According to the detectives, Lee will testify that Frank commanded him to stick to his story or "they would both go to ----."

A conversation Lee had with a fellow prisoner last night in his cell, Chief Lanford said, resulted in the questioning of Lee to-day.

This conversation was reported to the detectives and, working on the new lead, Lee was brought to the detectives' room at 9:30 o'clock this morning.

Chief Beavers, Chief Lanford, Harry Scott, of the Pinkertons, and Detective John Black questioned him for an hour, with the result that it was agreed to again put him on the witness stand.

Lee, accompanied by John Black and Scott, was brought out of the conference shortly after 11 o'clock and removed to a cell.

Police Spurred to Action.

"Now, Lee," said Black and Scott, as they locked him up, "don't you talk about this case to anybody but us hereafter, do you hear?"

Orders were given to allow no one but the two detectives to see or talk with the watchman, and visitors, lawyers and persons of all description were barred from the corridors leading to his cell.

The announcement that the State, through Solicitor Dorsey, might intervene and take charge of the investigation unless the mystery was cleared at once spurred the police to further effort late to-day.

"Weed Out" False Clews.

Detective Starnes and Campbell continued throughout the day breaking down the stories of the persons who have testified that they saw Mary Phagan on the street Saturday after she had drawn her pay at the pencil factory at noon.

Chief Lanford said positively that the hunt was near its conclusion and with the completion of the inquest the truth would be established.

Mr. Dorsey was vehement in his denunciation of the manner in which the case had been handled.

Dorsey Voices His Protest.

"The burden of convicting the perpetrator of this horrible crime whoever he may be, will fall directly upon my shoulders," said Dorsey, "and I don't propose, for that reason, if not for the many others, to let it drift along.

"No effort has been made to establish if the shirt said to have been found in the ash barrel back of Lee's home was Lee's.

“The handwriting tests on the notes have not been exhausted by the police—in fact, hardly touched upon.

“The marks on the [3 words, illegible]

FRANK TO TESTIFY TO-DAY AT PHAGAN CASE INQUEST

lead to an extensive investigation that has never been made.

“People have been let go and come at will in various places who should have been locked up and guarded until the investigation was completed.

“The matter must be sifted to the bottom, and if it isn’t not done soon the State will assume charge and the Grand Jury will be put to work on it.”

Features of Testimony.

The principal features of the testimony that have been brought out so far are as follows:

J. G. SPIER, of Cartersville, Ga., testified—

That he saw a girl and a man standing in front of the pencil factory at 4:10 Saturday afternoon; that the girl was the one whose body he had viewed Monday morning at Bloomfield’s undertaking establishment.

F. M. BERRY, assistant cashier of the Fourth National Bank, testified—

That the handwriting of the notes found by Mary Phagan’s body and that of test written by Lee indicated that they were written by the same person.

J. M. GANTT, in the factory about twenty minutes on Saturday night, testified—

That Frank appeared nervous and apprehensive when he saw him at the factory at about 6 o’clock.

NEWT LEE, the night watchman, testified—

That Frank showed signs of nervousness by rubbing his hands, something he had never seen him do before. That Frank called him on the phone about 7 o'clock in the evening to see if everything was "all right," something he never had done before.

HARRY DENHAM, one of the two men in the office Saturday afternoon, testified—

That Frank did NOT seem nervous when he saw him at 3 o'clock; that Frank had a habit of rubbing his hands.

GEORGE W. EPPS, JR., 246 Fox Street, boy friend of Mary Phagan, testified—

That Mary Phagan had told him once that Leo M. Frank had stood at the factory door when she left and had winked at her and tried to flirt. That he rode uptown with Mary last Saturday; that she left him to get her money at the factory, with an engagement to meet him at 2 o'clock in the afternoon, but never appeared.

E. S. SKIPPER, 224 1-2 Peters Street, testified—

That Frank was NOT one of the three men he saw with a girl resembling Mary Phagan about midnight Saturday; that the girl he saw Saturday night he was almost certain was the same one whose dead body he saw in the morgue Monday morning.

EDGAR L. SENTELL, an employee of Kamper's grocery firm, testified—

That he saw, without a possibility of a mistake, none other than Mary Phagan walking on Forsyth Street, near Hunter, between 11:30 and 12:30 Saturday night, with a man. The man was Mullinax, he was almost positive. That he said, "Hello, Mary," and that she responded, "Hello, Ed."

R. M. LASSITER, policeman, testified—

That he had inspected the basement and had found plain signs of a body being dragged from the elevator to the place where the body of Mary was found. That a parasol was at the bottom of the elevator shaft.

SERGEANT R. J. BROWN, of the police department, testified—

That it would have been almost impossible to see the body from the point the negro told him he first saw it.

SERGEANT L. S. DOBBS, of the police department, testified—

That Lee, without anyone else making any comment, said that the words “night witch” meant “night watchman,” in the notes that were found by the side of the dead girl.

CALL OFFICER ANDERSON testified—

That he attempted to get Frank at his residence by phone right after the body was found, but was unable to get him.

Gantt Says Frank Was Nervous.

Gantt's testimony was in the main corroboration of what he told The Georgian when he was arrested. His most striking testimony came when he declared that Frank was nervous when he called at the factory for his shoes. He said when Coroner Donehoo asked him to tell of his movements Saturday night:

“I went to the factory to get my shoes and met Mr. Frank at the door and got permission to come in. When he saw me he appeared very nervous and started back into his office; then he came out again. He told the night watchman to go with me to get the shoes and to stay with me.”

Gantt testified that while in the factory he telephone his sister, Mrs. F. C. Terrell, of 284 East Linden Street, that he would be home about 9 o'clock, and then he left the factory, the negro accompanying him to the door. He said he, together with Arthur White and C. G. Bagley, went to the Globe pool room, where they remained until 10:30 o'clock. Then, he said, he went home and stayed there till 2 o'clock Sunday afternoon, when he left and came downtown. He called on a girl friend Sunday night, he testified, and stayed at her home till 11 o'clock. He said he didn't know the officers came to his home Sunday night; that he was not told of their visit by his sister. He said he left his sister's home at 8 o'clock Monday morning and started to Marietta to visit his mother, who lives on a farm six miles east of the town.

Was Discharged by Frank.

Gantt testified that he had known Mary Phagan since she was 3 years old, and that he knew her when he was timekeeper at the pencil factory. He said Frank discharged him from the factory because of a personal difference. Asked as to the nature of this difference, he said that there was a shortage of \$2 in his payroll and that Frank told him he must either make the amount good or be discharged.

Gantt testified that he had never heard Mary Phagan complain of her treatment at the factory and that he had never heard her say she could not trust Frank.

While he was on the stand Gantt also threw new light on the wages paid the girls who work at the pencil factory. He said he paid off the girls, and had paid Mary Phagan every Saturday, while he handled the payroll. He said her weekly salary was \$4.05. Asked how this was computed, he declared she received 7 1-11 cents an hour for 55 hours' work. Coroner Donehoo called attention to the fact that this did not figure up \$4.05, but nothing more was said about the matter by either the witness or the jurymen.

E. G. Skipper 224 1-2 Peters Street, declared positively that Leo Frank was not one of the men he had seen on Trinity Avenue, near Forsyth Street, pushing a reeling girl along Saturday night about 11 o'clock. Skipper described the dress worn by the girl he had seen and declared it looked very much like the one that Mary Phagan wore when she was murdered. He was then asked to give a description of the three men who were with the girl. Frank was then brought in and Skipper was asked if Frank was one of the men. He said that Frank did not resemble any of them.

Tells of Mother's Worry.

Skipper testified that he had seen the body of Mary Phagan at Bloomfield's morgue, and said she looked like the girl he had seen on Trinity Avenue. He said he recognized her by her dress, parasol and the hair hanging down her back. He said he didn't follow the girl and the three men Saturday night because it is a common occurrence to see things like that in Atlanta on Saturday night.

J. W. Coleman, the stepfather of the dead child, told a pathetic story of her mother's worry over her continued absence from home Saturday night. He said he left home Saturday morning before Mary awoke, and that he had not seen her alive since last Friday night.

"I got home Saturday afternoon at 4 o'clock," testified Mr. Coleman, "and Mary had not come home; but we paid little attention to her absence then, as she often went to a moving picture show after work. I went downtown and came back about 7:20 o'clock and Mrs. Coleman met me at the door. She said Mary had not come home yet, and we were shocked and began to worry. My wife said for me to eat supper and then we'd see if we could not find her. I went downtown and tried to find Mary. I went to all the picture shows, and everywhere I could think of, but could not find her.

"I went back home about 10 o'clock, and Mrs. Coleman was nearly crazy with worry and anxiety. I thought maybe Mary had gone to Marietta with her aunt, Mattie Phagan, and that she had telephone to a neighbor that she would not be home. I went to all the neighbors who had telephones, but none of them had heard from her. We sat up nearly all night trying to figure out what had become of the girl, and decided to get up early and try to find her.

Child Brings News of Crime.

"As we were getting up the next morning little Ellen Ferguson came running up the steps. My wife was excited and exclaimed that something had happened to Mary. The Ferguson girl ran into the house and cried that Mary had been murdered. Then she began screaming and my wife fainted. I caught a car and went downtown. I was with a friend. We passed detectives leading a handcuffed negro, and we followed them to the pencil factory. The man there was not going to let me in until I told him who I was. Then I went in and did all I could to help in the investigation which the detectives had started."

Mr. Coleman testified that he had several times heard Mary speak of her employers, but had paid little attention to her statements. He didn't remember whether she had ever said anything about Frank. He said she had often said that things went on at the factory that were not nice, and that some of the people there tried to get fresh. "She told most of those stories to her mother," said Mr. Coleman.

The examination of J. A. White, 58 Bonnie Brae Avenue, one of the two men who worked at the pencil factory Saturday afternoon, brought out for the first time the fact that in Frank's private office there is a wardrobe or closet large enough for a person to hide in. He testified that the closet was about 9 feet high and 4 feet wide, and was directly behind the door in Frank's office. He said he went into Frank's office when he left the factory Saturday to borrow \$2, but didn't notice the closet. The

office door, he testified, was opened and resting against it. He said he didn't notice whether Mr. Frank was excited.

Didn't Know of Basement Room.

White testified that he had no knowledge of the small room which was found in the basement. He said the employees of the plant sometimes drank cans of beer in the basement, but said he had never heard of any women being brought in there.

Other witnesses called during the afternoon session of the jury included Detective J. R. Black, who is in charge of the police who are working on the case, and Guy Kennedy, 203 Bellwood Avenue. Black testified that Skipper had made a statement to him about seeing three men and a girl on Trinity Avenue late Saturday night. He said Skipper told him the girl he saw wore white shoes and stockings.

Kennedy, who is a street car conductor on the English Avenue line, had previously told detectives and reporters that he had seen Mary Phagan Saturday afternoon. He told the Coroner's jury that he was mistaken; that the girl he saw was not Mary Phagan. He said he thought she was until he had seen the body of the murdered girl at the morgue.

Police Still Puzzled By Mystery Of Phagan Case

Atlanta Georgian

Friday, May 2nd, 1913

200 Witnesses To Be Called When Inquest Into Slaying of Factory Girl Is Resumed Next Monday—Felder to Aid State.

The exact facts in the Phagan case as this edition of The Georgian goes to press can be stated as follows:

First. The Coroner's inquest is not yet ended. It has been adjourned until Monday afternoon next; and until it is ended the State is not likely to take hold of the case except in so far as Solicitor General Dorsey may deem it necessary to acquaint himself with facts that may aid him when the

Coroner's jury renders its verdict. After this is done the case is turned over to the Solicitor General, as the chief prosecuting officer of Fulton County.

SECOND—It is reported that a large number of witnesses—200—are to be subpoenaed by the Coroner's jury, and that both Lee and Frank will testify.

THIRD—The functions of a Coroner's jury consist of hearing preliminary testimony, and holding persons under suspicion for the Grand Jury, which is the legal body that finds indictments against those accused of crime. Investigation before the Grand Jury is on evidence and is much more complete than before the Coroner's jury.

FOURTH—Solicitor – General Dorsey's conference with Chief of Police Beavers and Chief of Detectives Lanford yesterday was not to express dissatisfaction with the police, but to acquaint himself more fully with facts not yet made public.

FIFTH—Officials of the jail declared to-day that visitors will not be allowed to see either Frank or Lee, but, of course, counsel will have free access to them.

SIXTH—The absurd report that State troops were to be called out, of course, has no foundation in facts. This rumor was published in some of the State papers and by an unimportant morning daily of limited circulation.

SEVENTH—The report that William J. Burns is to come to Atlanta is of doubtful origin. The last heard of Mr. Burns he was in Europe.

EIGHTH—Friends of Frank are coming forward in his defense and are making a vigorous defense for him. It is reported that M. Frank, an uncle, who is very wealthy, will employ the ablest legal talent to defend Frank.

Rosser Asked for Transfer.

The transfer of the prisoners from the police station was made on the request of Luther Z. Rosser, who declared that the authorities had no legal right to keep the prisoners at the police station when they were being held under suspicion of a State crime.

Asked if he would seek to have orders given that no one should talk with the prisoners, as was done in the Grace and Appelbaum cases, Attorney Rosser said to-day that he, of course, would not consent to having the prisoners harassed continually by friends and curiosity seekers, but that he would have no objections at all to the visits of the detectives.

Frank and Lee were removed from the police station to the Tower quietly and without any show of demonstration, effectually disposing of the report that the people of the city had been wrought up to a pitch of excitement where they were anxious to take the law into their own hands.

Curious Crowd Avoided.

The usual crowd of curious persons had gathered in front of the police station, but the officers avoided them by taking the two men out the rear way and hurrying them over to the jail in automobiles. The groups of persons who were encountered in the brief trip made no comments, but looked on in silence. It was evident that the public mind comprehended the uncertainty of the guilt of either of the two men and that the person responsible for the death of Mary Phagan might even be still at large.

Frank was the first out of his automobile and hurried into the jail to avoid the photographers. Lee seemed more calm and undisturbed, stopping before he entered the jail doors to pose at the request of a camera man.

The transfer of the men came after it had been decided to adjourn the inquest, which had been called for 4:30 o'clock in the afternoon. Coroner Donehoo was informed of important evidence that had not yet been presented and which still was in an indefinite state. It was his opinion that the interests of the investigation would best be served by postponing further questioning of witnesses until Monday.

Girl Not on Streets After Noon.

The result of the last 24 hours of the work of the detectives has been to prove quite conclusively that Mary Phagan was not seen on the streets of Atlanta either in the heart of the city or near her home, after noon Saturday when she went to the pencil factory to obtain her pay envelope.

A half dozen persons were on hand soon after the death of the girl to testify that they had seen her at one place or another at some time after she was known to have gone into the factory.

Their stories conflicted so greatly with the probabilities of the case that the story of each man was run down carefully by the detectives who gave their whole time to this phase of the investigation.

In each case the witness was found either positively or quite probably to be mistaken, and the detectives were able to go back to their original theory that the girl did not leave the building after drawing her pay.

Felder to Aid Prosecution.

To aid in the investigation, Thomas B. Felder, member of the law firm of Felder, Anderson, Dillon & Whitman, has been engaged to assist the Solicitor General in the prosecution. He was retained by a committee of the citizens from the Bellwood community in which was the dead girl's home.

Mr. Felder said to-day that he already had started a private investigation when he was retained and that he would have an abundance of evidence within a few days. He refused to discuss the report that Burns detectives had been employed.

Dorsey Puts Own Sleuths Onto Phagan Slaying Case

Atlanta Georgian

Friday, May 2nd, 1913

*200 Witnesses To Be Called When Inquest Into Slaying of Factory Girl Is Resumed Next Monday—
Detectives Are Busy.*

*Coroner Declares Inquiry Will Not Be Made Hastily—Every Clew To Be Probed Thoroughly. Lee and
Frank Are in Tower.*

*Grand Jury Meets, but Considers Only Routine Matters—Was No Truth in Report That Militia Had
Been Ordered to Mobilize.*

Solicitor General Hugh M. Dorsey this afternoon engaged private detectives to run down clews which have not as yet been fully developed by the men already working on the Phagan case.

The detectives are to investigate certain phases of the mystery which have previously received little attention and which he thinks may be of importance.

Mr. Dorsey had conferences to-day with the city detectives and with Miss Hattie Barnett, of the Pinkertons. The new Grand Jury which meets Monday may consider the Phagan case.

The Grand Jury met this morning and considered only routine matters. The Phagan case was not taken up at all.

The report that the National Guard had been mobilized originated because Adjutant-General Nash requested some of the officers of the Fifth Regiment to be within call in case of trouble. A few members of the Fifth Regiment were at the Armory last evening, but all had returned home by midnight.

Inquest To Be Thorough.

Coroner Donehoo said to a Georgian reporter that the mystery which surrounds the killing of Mary Phagan is by no means solved, and that the investigation would be carried on as long as there is a thread of evidence to be unraveled.

"I would not be holding this jury," said the Coroner, "if I were satisfied or were reasonably certain as to the facts in our possession. A case like this, so deeply wrapt in mystery, can not be solved in a day, and if there is anybody in Atlanta who is not pleased with the progress being made, his public spirit should make him come forward and lend his assistance. No pride of office, certainly will keep me from taking any reasonable suggestion and following it for all it is worth. It is up to the people to help all they can.

Following Every Clew.

"And why should the public demand such great haste? It requires weeks and sometimes months before some of these mysteries can be cleared. Investigation of the Holland killing out at the ice house here, I recall, went on about six weeks before anything definite was found out. It is only in the magazines that solutions are forthcoming in a day.

"It is not beyond the bounds of possibility that the body of Mary Phagan will be exhumed for a further examination.

The Coroner was informed to-day of another clew which he deems worthy of investigation, and in all probability will subpoena an important witness for the hearing on Monday.

“The new clew which we have may be a good one,” he said. “We are following every one we can find, of course. This one may solve the mystery; who knows?”

Newest Facts in Case.

The exact facts in the Phagan case as this edition of The Georgian goes to press can be stated as follows:

FIRST—The Coroner’s inquest is not yet ended. It has been adjourned until Monday afternoon next; and until it is ended the State is not likely to take hold of the case except in so far as Solicitor General Dorsey may deem it necessary to acquaint himself with facts that may aid him when the Coroner’s jury renders its verdict. After this is done the case is turned over to the Solicitor General, as the chief prosecuting officer of Fulton County.

SECOND—It is reported that a large number of witnesses—200—are to be subpoenaed by the Coroner’s jury, and that both Lee and Frank will testify.

THIRD—The functions of a Coroner’s jury consist of hearing preliminary testimony, and holding persons under suspicion for the Grand Jury, which is the legal body that finds indictments against those accused of crime. Investigation before the Grand Jury is on evidence and is much more complete than before the Coroner’s jury.

FOURTH—Solicitor – General Dorsey’s conference with Chief of Police Beavers and Chief of Detectives Lanford yesterday was not to express dissatisfaction with the police, but to acquaint himself more fully with facts not yet made public.

FIFTH—Officials of the jail declared to-day that visitors will not be allowed to see either Frank or Lee, but, of course, counsel will have free access to them.

SIXTH—The absurd report that State troops were to be called out, of course, has no foundation in facts. This rumor was published in some of the State papers and by an unimportant morning daily of limited circulation.

SEVENTH—The report that William J. Burns is to come to Atlanta is of doubtful origin. The last heard of Mr. Burns he was in Europe.

EIGHTH—Friends of Frank are coming forward in his defense and are making a vigorous defense for him. It is reported that M. Frank, an uncle, who is very wealthy, will employ the ablest legal talent to defend Frank.

In regard to the arrest of Leo Frank, Milton Klein has furnished the following:

“Leo Frank, the superintendent and general manager of one of Atlanta’s largest and most promising industries, spends two hours in his office on a holiday after generously relieving the watchman during these hours. His habits are regular and industrious, and his life while in Atlanta is perfectly blameless in every respect.

“The terrible crime committed in his plant calls forth the closest scrutiny of Mr. Frank’s relations with his 300 workmen and women. Only the highest words of praise and confidence in his character are heard on all sides.

“I have worked with Mr. Frank for years in various charitable organizations and have ever found him the most polished of gentlemen, with the kindest of heart and the broadest of sympathy. To such an extent it is recognized among his fellow lodgemen that we have honored him with the office of president, which is the highest rank in our organization.

Best Work in Factory.

“He is a liberal supporter of many worthy enterprises. But his greatest work has been among his own employees at his factory. The first to report in the morning and the last to leave at night, every day and holidays, he has labored to build up a factory that in spirit and efficiency is second to none south of the Mason and Dixon line.

“After the magnificent work he has done in his adopted home, shall we, without consideration, emphasize every bit of gossip which unjustly and groundlessly connects him with this awful tragedy? No one seeks more fervently to discover the real perpetrator of this atrocious crime than Mr. Frank.”

Miner Asks for Calmness.

Deputy Sheriff Plennie Miner makes the following plea for calm consideration of the Phagan case:

“While a crime of a most revolting nature has been committed in our midst, and our people are naturally excited and incensed over the deplorable affair, there are things that we need to consider coolly and carefully.

“Every possible effort is being put forth by the officers and the public generally to apprehend the guilty party or parties. Nothing is being left undone, no clew is being overlooked that would lead to a solution of the mysterious tragedy.

“But this is not a time for us to become too excited or too hasty in our efforts to ferret out the criminal. Above all things, and especially at this time, it is absolutely necessary for us to keep perfectly cool, to work carefully and quietly, running down every possible clew with caution.

“I respectfully ask that the public be patient, refraining from criticism of the unceasing efforts on the part of the officers or private individuals who are working so generously and faithfully on the case. And I would as respectfully ask that the daily papers refrain from printing anything calculated to unduly inflame the public mind; and from using such headlines as are calculated to arouse undue indignation.

“And you may rest assured if faithful and persevering work counts for anything, justice will be done. I have known, during my several years of experience as an officer and in criminal cases, undue haste in matters of this kind, brought on by excitement and enthusiasm to produce a miscarriage of justice. But I have never known a cool and systematic investigation of a tragedy, backed up by an earnest public sentiment demanding the apprehension of the real perpetrator of a crime like this, to fail of attaining the desired end.”

ANALYSIS OF BLOOD STAINS MAY SOLVE PHAGAN MYSTERY

Atlanta Georgian

Saturday, May 3rd, 1913

Three Former Employees at Pencil Factory Are Summoned to Testify. Expected That Frank and Watchman Will Be Questioned Further.

It was reported to-day that three young women, former employees of the National Pencil Factory, will be important witnesses for the Coroner's jury in the Phagan case on Monday.

Dr. Claude Smith, city bacteriologist, was asked by the police to-day to make a chemical analysis of the bloodstains on the shirt found in the back yard of the home of Lee.

The garment was given to Dr. Smith by Detective Rosser. The detectives are hopeful that by scientific tests and comparisons it will be determined whether the garment was a 'plant' or not. Dr. Smith said that he could not make his examination until some time next week.

Solicitor Dorsey and Chief of Detectives Lanford were closeted for two hours to-day in a discussion of the cases. At the conclusion neither would make a public announcement.

\$1,000 Fund is Rumored.

It was said that an effort would be made to have the county appropriate \$1,000 for a private investigation.

The inquest will be resumed at 2 o'clock. Leo M. Frank has not yet given any testimony before the Coroner's jury, and it is planned for him to be heard on Monday. It is also likely that Lee, the night watchman, will be examined further.

The police and detectives are still busily at work on the case, but so far as is known they have secured nothing of importance.

Await Coroner's Verdict.

When the Coroner's jury verdict is rendered the case automatically goes to the Grand Jury. Solicitor Dorsey and the Grand Jury will not take up the case officially until the Coroner's jury has concluded its investigation.

Many wild reports, absolutely without basis in fact, are in circulation. It is emphatically declared by the police that no confessions have been made by anybody in the case. This should put an end to the report that Lee has confessed and implicated Frank.

It is not likely that the body of the unfortunate girl will be exhumed. County Physician Hurt says that no further examination is necessary, and the evidence on this point is very clear and exact.

Visitors Are Barred.

Visitors are not allowed to see either Frank or Lee, although counsel has full access to the Tower to confer freely with the men.

A score of employees of the factory are under subpoena to testify before the Coroner's jury, but their testimony is not considered likely to be of great importance.

The release of Arthur Mullinax and J. M. Gantt indicates that the detectives have abandoned the theory that the girl left the pencil factory after receiving her pay on Saturday. The detectives now are of the opinion that she was not seen on the streets again after she entered the factory.

May Be Held for Jury.

Without seeming to forecast what the Coroner's jury will do, it is more than likely that both Frank and Lee will be held for the Grand Jury, where the testimony or evidence will be weighed carefully under the supervision of Solicitor General Hugh Dorsey.

The only statement that the lawyers for Frank make is that he is still vehement in the declaration that he knows nothing whatever about the crime.

Mr. Rosser says that not a word of evidence had been produced against his client.

CROWDS AT PHAGAN INQUEST Grand Jury Instructed to Probe Deeply

Atlanta Georgian

Monday, May 5th, 1913

Evidence Secured by Detectives May Not Be Presented at Coroner's Inquest---Lee and Frank to Testify. Many Other Witnesses Are Ready.

The Phagan inquest began at 2 o'clock Monday afternoon at police headquarters.

There was a great throng of witnesses in attendance.

A large force of police was on hand to keep the crowd of curiosity seekers in order.

Frank and Lee were taken from the Tower to police headquarters in charge of Deputy Sheriff Minor. A small crowd congregated about the jail in anticipation of the transfer and another crowd even larger was in front of headquarters when the two prisoners were brought in.

There was no demonstration, and the brief trip was made without event.

It is said, but without authority, that a great deal of very important evidence has been accumulated, but that it will not be presented at the Coroner's inquest. Instead, it will go directly into the hands of Solicitor Dorsey, who, as the chief prosecuting officer of Fulton County, is really in charge of the case now, although it has never been the duty of a prosecuting officer to interfere with the functions of the Coroner.

May Hold Both Lee and Frank.

It seems probable that both Frank and Lee will be held for the Grand Jury. The testimony brought out at the Coroner's inquest will be turned over to Solicitor Dorsey, who will study it carefully and make such further investigations as he may deem necessary, using the detective force of the city for that purpose.

Judge Ellis of the Superior Court on Monday instructed the May Grand Jury to investigate the mystery in a thorough manner. It is not likely, however, that the Grand Jury will take up the case for several days. The matter of presenting evidence on which indictments may be found is in the hands of Solicitor Dorsey. He has charge of the Grand Jury, and it is he who presents the evidence and who frames the indictments, and it may take him several days to strengthen certain links in the chain of evidence, so that when indictments are brought they will be found to be legally correct and will leave no opportunity for the lawyers engaged by the accused to make objections in court.

It is the intention of Solicitor Dorsey to keep secret all evidence in his possession until the matter has been passed upon by the Grand Jury, indictments found and the case brought to trial.

Frank Maintains His Innocence.

Everything depends upon what transpires at the Coroner's inquest. Frank's testimony may make necessary an entirely new deal of the cards. He still maintains his innocence, and Lawyer Rosser, his counsel, declares that there is no evidence by which to connect him with the case.

Coroner Donehoo will hold a conference with Chief of Detectives Lanford and Solicitor Dorsey before the inquest to decide upon the witnesses who will be asked to testify.

In addition to Lee and Frank, the detectives will have on hand persons they have been interrogating since the inquest adjourned last Thursday. Several of these are said to have made disclosures of great importance.

Dorsey's Action Misconstrued.

There seems to be a misapprehension in the public mind about the attitude of Solicitor Dorsey. Rumors on the streets and gossip in newspapers that he "has taken the Phagan case out of the hands of the police and out of the control of the Coroner" is not true, for the very simple reason that Mr. Dorsey is the chief prosecuting officer of Fulton County, superior to the police, the detectives and the Coroner. He may act with them or independently of them. As Solicitor he is the most important official in the county government, more powerful than the Mayor or the Police Commission.

The Phagan case is in the hands of Mr. Dorsey now, as it has been from the beginning.

The function of the Coroner's office is simply to gather testimony and evidence that is turned over to the Solicitor for him to act upon.

Statement by Solicitor.

Solicitor Dorsey made this statement:

"Mr. Scott, of the Pinkertons, has given to this office valuable information. The policy of the Pinkertons is to establish the truth. They recognize that this office will receive from them to that end any information they have, but under no circumstances do they expect to get any information we have gathered from other sources."

The Grand Jury did not take up the Phagan case Monday. After passing on a number of routine matters it adjourned until Friday, but in the meantime will hold itself in readiness to a call from the Solicitor should he deem it necessary.

Mr. Dorsey said he was agreeably satisfied with the progress he had made in the case, and he was developing every clew that was of importance. He has given over his entire time to directing the investigation, he said, and would see anyone to-day except on matters relating to it.

Deputies from his office and private detectives in the county's employ have made search after search of the building. Many articles that were left there by the police have been brought to his office, and will be kept there until examined. Monday a dirty, grease-soaked broom and the lantern that was in the cellar, were brought to his office. He will have them examined for blood stains and finger prints.

He said that to the best of his knowledge the coroner's inquest would be resumed Monday afternoon.

Coroner Donehoo said that practically all of the employees of the pencil factory would be at the inquest this afternoon ready to testify if called upon.

With the employees of the paper factory where Mary Phagan worked before she went to the pencil factory the witnesses will total nearly 100.

The detectives say that all of these persons, a large number of whom were on the streets the Saturday afternoon of the tragedy, already have been questioned and that none of them saw Mary Phagan after she is known to have gone to the pencil factory for her money Saturday noon.

Chief Lanford was authority for the statement to-day that probably some of the most important evidence would be disclosed at the inquest, but would reserved and presented before the Grand Jury.

"We are not showing our full hand yet," said one of the detectives. "We will submit sufficient evidence before the coroner's jury to warrant holding the two men now in custody, but we do not deem it advisable to tell everything until we present it to the grand jury. Three or four of our most im-

FRANK LIKELY TO TESTIFY AT INQUEST TODAY

portant witnesses will be saved until after the case goes to the Grand Jury.”

Rumor of New Important Witness.

A rumor is in circulation that among the witnesses for whom the detectives have been searching is a young woman who is said to have been with Mary Phagan when Mary went to get her pay envelope Saturday noon at the pencil factory. The identity of the mysterious girl has not been disclosed. The report is that she was overheard to remark that she waited outside the factory while Mary was in getting her envelope and that after she had waited about half an hour a man came out and told her she needn't wait any longer, as Mary would be detained by some work she had to do.

The detectives immediately started a search for the young woman in the hope that she would be able to give a good description of the man who told her she need wait no longer. Miss Beulah Daniel, daughter of G. T. Daniel, of Mableton, Ga., was in a Marietta store when she overheard the conversation, but little importance was attached to it until she repeated it to her father. He then notified the authorities and the search was taken up.

Bloodstain Tests Kept Secret.

Dr. Claude A. Smith, City Bacteriologist, to whom the shirt found in a barrel at Lee's home was given for an analysis of the bloodstains, would not make public the result of his investigation this forenoon. Chief Lanford said that he would receive this report later.

Chief Lanford's secretary, G. C. February, was occupied this forenoon in compiling all of the statements made thus far to the detectives and in making a review of all the clues that had been received and followed to their original source. The compilation will be added to as new developments occur.

Efforts to Trap Lee Fail.

Hoping to catch Newt Lee in some admission that will signify that he has more knowledge of the killing of Mary Phagan than he has been willing to tell, Deputy John Owen, who has been stationed at the jail nights, has kept a very close watch on the prisoner and has questioned him repeatedly.

After talking with Lee for some time last night, Owen posted a man behind the watchman's cell to learn what he would say to his cellmate, Dewberry, who is waiting to hang for murder.

“They seem to think you know more about the murder than you have told them,” Dewberry was heard to say to Lee.

“I’ve told them everything I know,” was the reply.

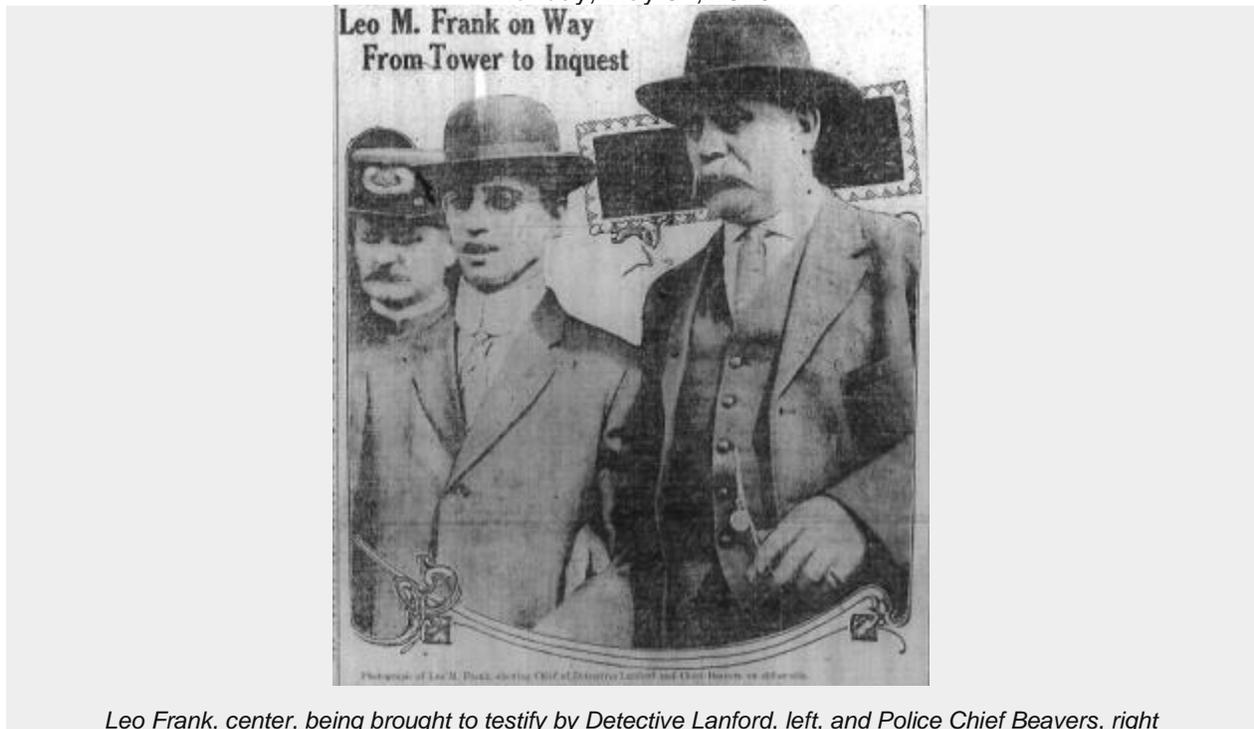
“They seem to think you’re trying to protect some man,” Dewberry continued.

“I declare, if I knew who did it, I would tell quick enough and get myself out of this,” Lee said.

FRANK ON WITNESS STAND MAKES STATEMENT UNDER OATH; NERVOUS, BUT REPLIES QUICKLY

Atlanta Georgian

Monday, May 5th, 1913



Phagan Inquest, Starting Late Monday Afternoon, Attracts Throng---200 Girls and Women Summoned As Witnesses, at Police Station.

The Coroner's inquest into the Phagan mystery did not really begin until 3 o'clock on Monday afternoon, instead of 2 o'clock, the hour set for the hearing.

Leo M. Frank and Newt Lee left the jail in charge of Chief of Police Beavers, Detectives Lanford and Starnes and entered the patrol wagon for the trip to police headquarters.

A curious crowd waited around the jail doorway to get a look at the two prisoners.

Both men appeared nervous. Frank walked with a quick step between Beavers and Lanford. He was freshly shaved, wore a dark suit and a derby hat. Starnes followed with Lee. Neither man was handcuffed.

[The following is the opening paragraph of later article in the same newspaper on Tuesday, May 6th, 1913 that covered the questioning of Leo Frank.—Ed.]

Leo M. Frank, Superintendent of the National Pencil Factory, was a witness late Monday afternoon in the Coroner's inquest into the death of Mary Phagan.

There was a sensation when it was learned for the first time from the lips of Frank that another man was in the factory aside from those already known after Mary Phagan drew her pay, shortly after noon on the Saturday she met her death. The man was Lemmie Quinn, foreman of the tipping department.

Frank told in detail all he knew about Quinn and his work in the factory.

Frank was cool and collected. He answered the questions shot at him by the Coroner without hesitation and his utterance was distinct. He seemed absolutely sure of himself.

Solicitor Dorsey and Luther Z. Rosser, attorney for Frank, occupied prominent places, but Solicitor Dorsey did not interpose any questions during the early part of the inquiry. None of the questions directed at Frank were objected to by his attorney. Coroner Donehoo's questioning was uninterrupted.

Another significant point in Frank's testimony was that he says he heard Mary Phagan talking with another girl as the two left the building.

This gives strength to the report that another girl actually accompanied Mary to the factory.

Where is this girl now?

The detectives have reported nothing of the discovery of the girl who is said to have waited at the factory door for Mary to come out and finally left when some one from the factory told her that Mary would be detained for a half hour with some work.

Factory girls called as witnesses were excused at 5:30 o' clock, indicating that the inquest would be adjourned with the conclusion of Frank's testimony or the testimony of the Selig's who follow him.

[End of revised opening paragraph—Ed.]

Crowd Fills Police Station.

They arrived at police headquarters five minutes later and were greeted by 700 or 800 persons, who packed the corridors and stairways of the police station.

Both Frank and Lee were taken directly to the detectives' room through a rear entrance, where the inquest was held.

It was necessary for the officers to cut a passageway through the jam of humanity. Into this narrow lane Frank, with Chief Lanford's hand on his arm, entered, looking neither to the right nor the left. He walked with a hurried step and appeared to be relieved when the room, where the inquest is being held, was reached.

Lee seemed less concerned and walked carelessly along from the rear door, up the stairs and through the packed corridors.

Bar Merely Curious From Room.

The inquest room was closed to all but those who could prove that they had actual business inside. Sergeant Maddox stood at the doorway and denied admittance to several hundred persons who were eager to hear the testimony.

Nearly 200 women and young girls, most of whom are employees either of the pencil factory, or of the paper factory where Mary Phagan formerly worked, were herded into the large roll-call room on the first floor to await the time when they should be called upon to testify.

Just before the inquest was called Coroner Donehoo was closeted in a conference with Solicitor Dorsey, Detective Lanford, Chief Beavers and the detectives who had been working on the case.

Newt Lee Taken From Room.

Chief Lanford held subpoenas for two more witnesses whom it was decided to call at the last moment.

Before the first witness, Leo Frank was called, the coroner requested that Lee be taken from the room.

Frank took his stand at 2:50 o'clock. He was sworn by Coroner Donehoo. His testimony follows:

Q. What is your name? A. Leo M. Frank.

Q. Where do you live? A. No. 68 East Georgia Avenue.

Q. What connection have you with the National Pencil Company? A. General superintendent.

Q. How long have you been with them? A. Since August, 1908.

Q. What was your business prior to that time? A. I was abroad buying machinery for the National Pencil Company.

Q. Where did you live before coming to Atlanta? A. At 152 Underhill Avenue, Brooklyn, N. Y.

Q. Who were you with then? A. Immediately prior to coming to Atlanta, I was with the National Meter Company.

Q. What time did you come to Atlanta? A. I came to Atlanta at once and talked with the men who were getting up the pencil factory.

Q. What did you do next? A. I went back to New York and left New York the first week of November 1907 to go abroad.

Q. How long did you remain abroad? A. Until August 1908.

Q. What is your exact business with the National Pencil Company? A. Looking after the purchasing of material and the inspection of factory cost.



Tells of Actions Saturday Morning.

Q. What time did you get up Saturday morning, April 26? A. Just after 7 o'clock.

Q. Are you married? A. Yes.

Q. Have you ever been married before? A. No.

Q. Who lives with you besides your wife? A. My father-in-law and mother-in-law, Mr. and Mrs. Emil Selig.

Q. Have you servants around the place? A. One.

Q. What is her name? A. Her first name is Minola. She is a colored woman.

Q. What time does she get there? A. About 6:30.

Q. Was she there when you got up? A. Yes.

Q. What time did you leave the house? A. Around 8 o'clock.

Q. Whom did you see before you left the house? A. My wife

FRANK TELLS HIS OWN STORY ON STAND AT PHAGAN CASE INQUEST

and the servant.

Q. Did you see Mr. or Mrs. Selig? A. I did not see Mrs. Selig. I am not sure whether I saw Mr. Selig or not.

Q. How did you come to town? A. On the car.

Q. Which line? A. I have the choice of two lines. I do not remember the one I took.

Q. What lines are there? A. The Washington Street and the Georgia Avenue lines. I don't recall which one I used.

Q. Did you talk to any one on the car? A. I don't remember.

Q. What time did you arrive at the factory? A. About 8:25.

Q. Who was at the factory? A. Holliway, the day watchman, and the office boy, whose name is Alonzo Mann.

Q. Was the front door locked? A. No.

Q. Where was Holliway? A. By the time clock on the second floor, his usual place.

Q. Were Holliway and the office boy the only persons there? A. From all I remember.

Q. Do you remember that any one was back about the machinery? A. I don't know of any one being there.

Tells of Employees' Arrival.

Q. How long after you arrived was it before others came in? A. I don't know exactly, but think it was about half an hour. Several persons came in for pay envelopes. One man came in for his son's envelope and another for his step-son's envelope. One was Jimmy Graham's father.

Q. Was it a half or a whole holiday? A. It was Memorial Day and the factory force had been granted a whole holiday. The office force was to report for the handling of orders.

Q. Did any girls come in for their pay envelopes? A. Nettie Smith got hers and her sister's.

Q. Did you wait on them? A. Yes.

Q. Were there any others in the office at the time? A. I don't remember.

Q. Was there a clerk in the office? A. The place of the clerk is vacant, but it was being taken by one of the salesmen, Herbert Schiff. I do not remember whether or not he was at the office at the time I paid Nettie Smith.

Q. Was Schiff in the office at the time you paid these envelopes? A. No, sir.

Q. Who occupies the outer office? A. The stenographer.

Q. Was there any one in the outer office at the time? A. I don't know.

Q. Who is the stenographer? A. Miss Eubanks.

Q. Do you know her given name? A. No.

Describes Morning's Work.

Q. How long after you went there before some one else connected with the place came in? A. About half an hour.

Q. Who was it that came in? A. Mr. Darley, Wade Campbell and several others.

Q. Can you tell us what you did during the morning? A. Went over the mail and took up various matters with the managers and made up some orders.

Q. Then what did you do? A. Went to the manager's office.

Q. What time was that? A. About 10 o'clock.

Q. Did any one go with you? A. No.

Q. What did you do before this? A. I talked several minutes with Darley and Campbell.

Q. Did you do anything at all on the financial sheet? A. No.

Delves Into Business Details.

Coroner Donehoo here questioned Frank at length on each detail of his work in the office at the factory during the forenoon of Saturday, April 26, and as to the manner the financial sheets and cost sheets of the company were made up.

Coroner Donehoo asked:

"Did you make out the financial sheets Saturday?" A. Yes.

[The following is a continuation of Leo Frank's questioning from a later news article on the next day, Tuesday May 6th, 1913.—Ed.]

Q. In your own handwriting? A. Yes.

Q. When did you make it out? A. Saturday afternoon.

Q. What date would that sheet bear? A. Thursday.

Q. Why didn't you make it out Thursday? A. Didn't know the pay roll.

Q. Why didn't you make out the financial sheet in the morning? A. There were too many other things to be done.

Q. How many orders were there on April 26? A. I think about eleven.

Q. Did you go to Montag Brother's Saturday? A. Yes.

Q. How long were you there? A. Until about 11 o'clock.

Denies Drinking With Darley.

Q. Did any one go with you? A. No.

Q. Didn't Mr. Darley go down to Cruikshank's and have a drink with you? A. No.

Q. Who was at the office when you returned? A. Miss Hall, the stenographer, and the office boy.

Q. How old is the office boy? A. About 15 or 16.

Coroner Donehoo asked Frank:

Q. After Mary Phagan left Saturday, did any one come into the office? A. Yes, there was one person whom I have not mentioned up to this time. In fact, I did not remember it until I had thought over the matter considerably. I knew that he had been in the office, but could not recall until a day or two ago the exact time.

Visited by Lemmie Quinn.

Q. Who was this? A. Lemmie Quinn.

Q. Is this the first occasion you have thought of it? A. No, I have thought of it several times.

Q. What did he do? A. He came into the office and said: "Good morning." He said: "You see you can't keep me away from the factory even on holidays." I merely said: "Yes," or something like that. He said he saw I was, quite busy, or that he wouldn't detain me or something like that. Then he went out.

Q. What were you doing at the time he came in? A. Transcribing orders.

Q. What time was he there? A. About 12:25.

Q. How long after the girl had been there? A. Nearly fifteen minutes.

Q. Where did Quinn go? A. He went out of the office and I heard his footsteps die away.

Q. You do not know whether he went out of the building or not? A. No.

Frank said that he was busy in the office until the time that Miss Hall, the stenographer, and the office boy left at 12 o'clock, with the exception of the time that he went to Montag Bros. and obtained some orders. Upon his return he said that he handed the orders to Miss Hall, who sent out postcard acknowledgments of the orders and returned the orders to him.

Phagan Girl Came In.

Frank was positive that Miss Hall and Alonzo Mann left the office at 12 o'clock, as he heard a whistle blow at that time. Frank was then interrogated as to the time Mary Phagan came after her money.

Q. Did any one else come in after Miss Hall and Alonzo Mann left?—A. About 12:10 the little girl who was killed came in.

Q. Was any one with her when she came in?—A. No.

Q. Did you hear her talk to any one as she came in?—A. No.

Q. How did she announce herself?—A. I think she asked for her pay.

Q. How did you get her pay envelope?—A. I asked her what her number was.

Q. Do you remember her number?—A. No.

Q. Have you looked up her number since her death?—A. Yes, but I don't remember what it was.

Q. Did she say anything else?—A. Yes, as she was going out she stopped, turned and asked me if the metal had come.

Q. Did you check the pay roll after paying her?—A. No. We never do that.

Q. Where was she when she asked about the metal?—A. She was in the outer office near the door.

Q. Did she call back as an afterthought? A. It seemed like an afterthought.

Q. What was the amount of the envelope? A. One dollar twenty I think.

Q. How was it made up? A. She had worked part of the Friday, part of the Saturday and part of the Monday previous.

Q. Do you remember how the pay was given her? A. I do not remember the denominations, as the envelopes were sealed.

Heard Steps Die Away.

When she in to her pay, that disturbed your work, did it not? A. Yes, for a minute or two.

Q. Where did she go when she left the office? A. I heard her footsteps dying away.

Q. Did you know her name? A. No, but her face was familiar.

Q. How was she dressed? A. I don't remember.

Q. Was her dress light or dark? A. What I saw of it I think it was light.

Q. Did she wear a hat? A. I don't remember, but think she did.

Q. Was it straw? A. I couldn't say.

Q. What did she do with the money? A. I don't know.

Q. Did you notice whether she had a parasol or not? A. I don't remember seeing one.

Q. What time did she come in? A. I don't know exactly; it was 12:10 or 12:15.

Q. How long did it take you to pay her? A. Two minutes.

Q. How did you identify her? A. Just took her number.

Q. Was her name on the envelope? A. I don't remember, but it should have been.

Said He Heard Girl's Voice.

Q. Did any one else come in between 12 and 12:15? A. No, but as she went out I heard a girl's voice as Mary was walking down the steps. I don't know what she said. I just heard a girl's voice talking.

Q. Don't you remember that you made an entry on the pay roll after paying her? A. No.

Q. Had the metal of which Mary Phagan spoke come at that time? A. I don't think it has come yet.

Q. How does it get to the factory? A. On a dray.

Q. How do you know when it comes in? A. The chief clerk checks it in.

Denies Sending Girl Back.

Q. Do you know off-hand when that metal comes in? A. Yes, and in this instance particularly, because we were short.

Q. You are sure you didn't send the little girl back to see whether it had come in, are you? A. I did not.

Q. Did you ask Schiff about it? A. No, because I would know about it.

Q. How do you fix the time that she came in as 12:10 or 12:15? A. Because the other people left at 12 and I judged it to be ten or fifteen minutes later when she came in.

Q. Were you out of the office from the time the whistles blew at 12 until the time that Mary came in?
A. No.

Q. Was Quinn foreman of the tipping plant? A. Yes.

Thinks He Left Plant.

Q. Did Mary work under him? A. Yes.

Q. How was Quinn dressed? A. I don't remember.

Q. Had he been working Saturday? A. No.

Q. Did he have on overalls? A. No, he was dressed up.

Q. Had he been working all the week until Saturday? A. Yes.

Q. What on? A. Fixing machinery and the like. There was some metal that he could work on.

Q. Did he go down stairs when he left your office? A. I don't know but I think he went out. I heard his footsteps die away.

Q. How old is Quinn? A. He is 25 or 30.

Q. How long has he been with the National Pencil Company? A. Three or four years.

Q. Is he married? A. Yes.

Q. What time was it when he left? A. About 12:25.

Q. What were you working on when Quinn left? A. Getting ready to go to work on the financial sheet.

Q. Do you remember what papers you got together? A. One of them was a production sheet.

Q. How much is there of that? A. It is a big sheet 14x30 inches and shows the whole week's production.

Q. Anything else? A. I looked over it for some time to see if it was correct.

Q. You hadn't left the building since Miss Hall left about 12 o'clock? A. No. About 1 o'clock I got ready to go home and found Arthur White and Harry Denham and Mrs. White up stairs. I told them that I was going home to lunch and they said they would stay and finish work. Mrs. White said she wanted to go. I afterward went down, put on my coat and went out.

When Did Watchman Leave?

Q. What time did the day watchman go? A. I don't know exactly.

Q. When you went upstairs how long did you stay? A. About two minutes.

Q. When you came back what did you do? A. Put on my coat, locked the door and went out.

Q. Did you lock any other door except your office door? A. No.

Q. What time did you leave the building? A. A trifle after 1 o'clock.

Q. Doesn't the day watchman stay on duty until the night watchman comes on? A. Yes, usually, but Saturday was a holiday. I work nearly every Saturday, anyhow, and I thought my being there was sufficient.

Q. Do you know Walter Pride? A. Yes, he is the oldest employee of the pencil company.

Q. Who pays him off? A. Mr. Schiff.

Q. What time does he usually leave on Saturday? A. He usually does extra work on Saturday cleaning up in the gluing department.

Q. What did Walter Pride do Saturday? A. Nothing that I know of.

Q. Did you see him? A. No.

Q. Does he get extra pay for doing this work? A. I think he gets a round sum of so much per week.

Q. Did you excuse him Saturday? A. No, I haven't seen him for two weeks.

Q. Is the front door usually locked or open when Walter is there? A. It is generally open.

Q. Then any one could go in there at any time and you would not know it? A. Yes.

Q. Has it ever been true that you were alone there before? A. Yes.

Q. Where did you go after leaving the building? A. Up Forsyth Street to Alabama. I think it was a Washington Street car.

Q. Do you remember any one on the car? A. No.

Q. Where did you get off the car? A. Georgia Avenue and Washington Street.

"Straight Home."

Q. Where did you go then? A. Straight home.

Q. Whom did you see at your home? A. My mother-in-law and wife were going to the matinee of the grand opera and had eaten their lunch. My father-in-law and myself ate lunch together.

Q. Who served the lunch? A. The servant.

Q. What did you do after eating? A. Lit a cigarette and lay down to take a nap.

Q. Who was there at the time? A. My father-in-law went down to the back yard to look at the chickens.

Q. Did he come back before you woke up? A. No. I got up and left before he came back.

Q. How long were you asleep? A. Only a short time. I hardly went to sleep at all.

Q. What time did you leave home? A. It must have been about 10 minutes of 2 o'clock.

Q. Did you see any one when you left the house? A. Yes. I saw Jerome Michael and his mother and walked up to Glenn street and spoke to them.

Q. Did any car pass you going to town? A. No.

Q. What care did you catch—at what time? A. It must have been the 2 o'clock car.

Q. Did you know any one on the car? A. Yes, a cousin of my wife's, Mr. Loeb.

Q. Where did you leave the car? A. The streets were blocked on account of the parade and I got off at Hunter Street and walked.

Q. Did you speak to any one on Hunter Street? A. No. I walked down to Whitehall Street and saw the parade.

Met an Employee.

Q. Where did you go then? A. Down Whitehall Street toward Brown & Allen's.

Q. Did you meet any one you knew? A. Yes, in front of Rich's, I met one of our foreladies, Miss Rebecca Carson.

Q. Did she go with you? A. No, she was with some one and I merely spoke to her and went on down to the corner of Whitehall and Alabama and bought some cigars and a package of cigarettes.

Q. Do you smoke cigars or cigarettes? A. Sometimes cigars and sometimes cigarettes.

Q. Where did you go next? A. To the factory.

Q. Where did you cross Forsyth Street? A. I don't remember.

Q. Did you unlock the door? A. Yes.

Q. What time was it? A. I don't know exactly, but about 3 o'clock.

Q. What did you do then? A. Went up to see about the two men I had locked in. They were fixing to go home. I told them I was back and then went to the office. A few minutes later I heard the bell on the clock ring and these boys came in. White borrowed \$2 from me, and I remember I joked him about needing money so soon after pay day and he replied that his wife had robbed him that morning.

Q. How did you know it was White's wife when you went upstairs before leaving for lunch? A. Earlier in the day she was in the office and told me that she was White's wife and wanted to see White. I told her to go upstairs and see him.

Q. I thought you said there were no outsiders there? A. That's right—it is true that she was there.

Q. How long does it take to make the financial statement? A. About an hour and a half. It took longer on Saturday on account of Thursday's entries not having been made.

HOW FRANK SPENT DAY OF TRAGEDY

Atlanta Georgian

Tuesday, May 6th, 1913

Factory Superintendent Explains Every Hour of the Saturday Phagan Girl Was Slain.

Here is told how Frank passed the whole day of the Saturday when Mary Phagan was killed. The following is taken from Frank's testimony.

7 o'clock a. m.—Arose and dressed at home

8—Left home for factory.

8:20—Arrived at factory.

8:50 or 9—M. D. Darley and [1 word-illegible] entered there.

10—Went over to office of Sig Montag, factory manager, on Nelson Street.

11—Went back to the factory office.

12—Stenographer and office boy left him alone in office.

12:10 p. m.—Mary Phagan came for her pay; got it and left. He heard her footsteps die away, and went on with his work, thinking no more about her. When she left he thought he heard her voice in the outer office.

12:15 or 12:20—Lemmie Quinn, foreman of the department where Mary worked, came in.

12:25—Quinn left.

1—Left the factory.

1:20—Arrived home.

1:40—Finished lunch with his father-in-law.

2—Left home for factory.

2:40—Spoke to Miss Rebecca Carson, forewoman in his factory, in front of Rich's store on Whitehall Street.

3—Arrived again at the factory.

3:10—White and Denham left; he remained entirely alone in the factory.

3:20—Latched the street door behind them.

3:45—Night Watchman Newt Lee, negro, came. He let negro go away again.

5:30—Finished work on the financial sheet.

6—Finished balancing cash, night watchman came back. Frank washed his hands and left the factory, leaving night watchman with J. M. Gantt.

6:25—Arrived home.

6:30—Wife and mother-in-law came in just as he was telephoning to the factory. Got no answer there.

7—Telephoned again. Night watchman told him everything was all right. He ate supper.

9:30—After smoking and reading since supper, he went upstairs and lit the gas heater.

10:30—Bathed.

11—Went to bed.

Sunday, April 27.

7:30 a. m.—Awakened by the phone. Informed of the tragedy. Went to undertaker's shop and identified Mary Phagan's body as that of the girl whom he had paid the afternoon before.

FRANK'S TESTIMONY FAILS TO LIFT VEIL OF MYSTERY

Atlanta Georgian

Tuesday, May 6th, 1913

Factory Superintendent's Statements on the Witness Stand Considered Distinctly Favorable to Him.

Leo M. Frank's testimony before the Coroner's inquest threw no new light upon the Phagan case. Indeed, if it did anything it strengthened the belief in the minds of many persons that the mystery is far from solved.

Frank's testimony was distinctly favorable to him. He was on the witness stand for several hours. He answered every question in a straight-forward manner. He was not more nervous than any other man in the room. He never halted for a word to make reply. The impression made upon those present was good.

The bringing into the case of another man not heretofore mentioned as having been in the factory on the day of Mary Phagan's death does not seem to have in any way helped to clear the mystery.

Quinn Talks Freely.

Lemmie Quinn, foreman, whose name was mentioned by Frank, apparently had nothing to conceal either, for he talked with the detectives and police without reserve, and gave a clear statement of his work in the factory. His testimony did more, if anything, than the testimony of any other person to shift the suspicion that has been attached to Frank.

Close reading of the testimony leads to the opinion that the police have not yet solved the great mystery.

Frank is in the Tower to-day. He will be heard again on Thursday. The police may have some important questions to ask him, but if they have, they gave nothing to indicate it at the inquest on Monday.

Solicitor Dorsey, now in active charge of the case, feels certain that the mystery soon will be solved. All the officials are reticent. They refuse to discuss the tragedy with reporters.

Following Every Clew.

Many baseless rumors are in circulation on the streets, and the public clew presented to them.

The police and detectives are working diligently and following every clew presented to them.

It is too early to forecast what the authorities have in store in the way of additional evidence, but that brought out yesterday pointed the finger of suspicion at no one at all. It was simply negative. It involved the witness no more than suspicion already had involved him, and was not all damaging to Lee, who is being held with Frank in connection with the mystery.

Quinn was examined by Lanford and Scott, of the Pinkertons. He corroborated Frank's story in detail. He was permitted to return to his home at 31-B Pullman Street.

Quinn was foreman of the department in which the victim worked. He had known her ever since she first was employed with the concern. A stormy scene is said to have ensued during the interrogation to which he was subjected at headquarters. To a reporter he declared that Scott and Solicitor Dorsey charged him with having accepted a bribe.

He says he retorted to the charge:

"Show me the man that says I took a bribe, and I'll whip him on the spot."

Quinn was asked if Frank's statements were true, and he replied:

"Yes; it's true. I left my house Saturday morning about 11:45 o'clock. On the way uptown I stopped into Wolfsheimer's and bought an order of fancy groceries. I stopped at another place and bought a cigar.

“Then I went to the factory. I wanted to see Frank and tell him ‘Howdy do.’ I knew he would be in the place. He is always there on Saturdays. It was about 12:15 or 12:30 when I arrived at the building. I saw no one in front or as I went upstairs to the office.

“Frank was at his desk. He appeared very busy. I stepped in and said: ‘Well, I see you work even on holidays. You can’t keep me from coming around the building on Saturdays, either. How do you feel?’”

“He said he was feeling good. He didn’t appear agitated or nervous. I didn’t want to disturb him, so I left. I wasn’t in the plant for more than two minutes. As I came downstairs on the way out, I saw someone in the rear of the first floor—a person whom I would have no grounds whatever to suspect.

Believes Frank Innocent.

“No! I won’t divulge his name. I’ll tell the detectives in time. I’m glad Frank told the Coroner of my visit. It was I who refreshed his memory of the incident. He apparently had forgotten it. I have not been keeping it secret. I told the detective Saturday of the visit.

“I have known Mr. Frank for years and I know he is not guilty.”

Quinn declared that he was in the building about two minutes. He said that he did not see Mary Phagan.

He is outraged at the treatment he alleges was accorded him by the detectives.

“They were insulting and seemed to doubt my statement,” he said. “In an insinuating manner Chief Lanford plied the question: ‘So you put yourself there about the time the Phagan girl left the factory, eh?’”

Quinn was an ardent admirer of the murdered child. He says she was one of his most industrious employees.

He is married and has one child. His connection with the National Pencil Company dates back several years.

Quinn said that it was he who refreshed Frank's memory of his presence in the building shortly after noon of the day on which the girl is supposed to have been slain.

"I called upon Frank at the jail," he said. "The moment I reminded him of my visit, he recollected it. He apparently had forgotten it."

The inquest was adjourned at 7:18 o'clock. It will be resumed at 9:30 o'clock Thursday morning. The two-day postponement is to permit detectives to garner evidence they announce available.

Tells Action in Detail.

In detailing every move on the day Mary Phagan was killed, Frank said he left about 7 o'clock Saturday morning and was at the office by 8:26. About 9 o'clock Foreman M. D. Darley and others entered his office and talked business matters with him. Frank testified he went to the office of Sig Montag, factory manager, on Nelson Street, at 10 o'clock, and remained there for nearly an hour.

He returned at 11 o'clock and an hour later the stenographer and the office boy left him alone, Darley and the others having departed. He thought it was about ten minutes after noon that Mary Phagan came in to get her pay envelope and after receiving it started out of the door, stopping only to ask if an expected shipment of metal had arrived. He heard her voice as she seemed to be talking with another girl outside. He heard the footsteps die away and believes Mary Phagan left the building, he testified.

Visited by Lemmie Quinn.

Lemmie Quinn, foreman of the tipping department, came into the factory at 12:15 or 12:20, just after the Phagan girl had left. Frank said that the foreman merely greeted him and conversed for five or ten minutes and then left.

Frank said that he himself left the factory at 1 o'clock and went home for luncheon with his father-in-law, Emil Selig. He left home to return to the factory at 2 o'clock, arriving there about 3 o'clock, and speaking to several acquaintances on his way.

At 3:10 o'clock Harry Denham and Arthur White, two employees who had been doing some work on the holiday, punched the clock, stopped to talk a few minutes with Frank and then quit the building, leaving Frank there alone.

Sees Watchman and Gantt.

Newt Lee, the night watchman, came at 3:45, but was told by Frank that he might go away until 6 o'clock. The watchman returned at 6 o'clock and few minutes later J. M. Gantt appeared at the factory and asked permission to get a pair of shoes he had left in the shipping room. Frank left before Gantt had obtained his shoes.

Frank said that he arrived home at 6:25 and that his wife and mother-in-law entered as he was calling Newt Lee to see if Gantt had left the factory. Lee did not answer at this time, but answered when Frank called at 7 o'clock. Frank testified that he remained in the house from this time until he went to bed at 11 o'clock. He was awakened at 7:30 o'clock the next morning by the telephone call which told him of the tragedy.

MARY PHAGAN'S BODY EXHUMED; HURT LOOKS FOR SIGNS OF 'DOPE'

Atlanta Georgian

Tuesday, May 6th, 1913

Coroner and Country Physician Will Have Girl's Stomach Examined

The reason for the delay in beginning the Coroner's inquest was that Coroner Donehoo was in Marietta up to 2:30 o'clock.

The body of Mary Phagan was exhumed by direction of the Coroner who went to Marietta for the purpose. An examination of the contents of the stomach will be made for the purpose of determining whether the child had been "doped" before she was attacked on the day of her death.

It will probably be several days before the examination can be completed.

The examination was done very quietly, and few people in Marietta knew anything about it.

With the Coroner were Dr. J. W. Hurt, County Physician, and Dr. H. F. Harris, of the State Board of Health, acting under the direction of Solicitor Dorsey.

It is understood that the analysis of the stomach's contents will be made by Dr. Harris at the laboratory of the State Board of Health at the capitol.

Aside from this the State official made thorough examination of the [end of legible portion of article; rest cut off — Ed.]

Phagan Case and the Solicitor General's Power Under Law---Dorsey Hasn't Encroached on Coroner.

Atlanta Georgian

Tuesday, May 6th, 1913

HUGH DORSEY: Solicitor General of Fulton Superior Court, now bending every effort toward the solution of the Phagan mystery. He is following every clue, and in every way exerting all his powers and ability in clearing the baffling case.



Solicitor General Hugh Dorsey.

Hugh Dorsey

By A GEORGIA LAWYER.

It is absurd to say, as some people have been saying in Atlanta of late, that Solicitor General Dorsey "has taken the Phagan case from the Coroner," or has "butted in" on the Coroner's business in some way.

It would be equally sensible to say that the commanding general in a battle had "butted in" on a captain's business, when, as the battle progressed, the general gave directions of one sort and another to the captain as to its conduct.

The truth of the matter is, Solicitor General Dorsey has been in charge of the Mary Phagan case ever since it was brought to light.

Murder is a crime against the sovereign State, and not particularly against either the city of Atlanta or the county of Fulton, save in so far as they are a part of the State.

A murder in Atlanta is as much Savannah's business as it is Atlanta's so far as the violation of the laws of Georgia are concerned.

Solicitor Dorsey is a State official, and not specifically an Atlanta official, not yet a Fulton County official.

Office Useless in Main.

For certain purposes a Coroner's inquest sometimes is permitted under the law prior to Grand Jury investigation. Many lawyers hold, and rightly, that the office of Coroner is useless in the main, and ought to be abolished. It is a relic of old English procedure, instituted before the days of newspapers, telephones, telegrams, fast mails and other quick methods of communication.

In the absence of eyewitnesses to an apparent murder, however, a Coroner's inquest sometimes may serve an immediate purpose, and, perhaps, the Phagan case is a case in point with regard to that.

The Coroner is an officer entirely and definitely subordinate to the Solicitor General, and does not exercise any authority except such as he may exercise under the Solicitor.

The Solicitor assembles, in his discretion, the evidence against the accused, from it makes out a case for the Grand Jury, advises and instructs the Grand Jury as to its duty and rights in the matter, prepares an indictment for the Grand Jury's consideration, which, if found true, must be depended upon to set forth the case against the defendant to be summoned to bar in such exact terms that it may be guaranteed to withstand all attacks of opposing counsel in the trial of the case.

Has Full Responsibility.

The initial and the final responsibility for the State's case is in the hands of the Solicitor General.

There never is a minute from the time a murder is committed until a verdict is recorded that the State's cause is not in the hands of the Solicitor General, over and above all other officers.

He can not take a murder case "from the hands of a Coroner," because there never was a point of time in any murder case's history that it was not more in the hands of the Solicitor than it possibly could have been in the hands of the Coroner.

No man may be put in jeopardy of his life a second time in Georgia (save of his own motion) in criminal proceedings, but the "verdict" of a Coroner's jury can not be pleaded as former jeopardy.

Policemen, Coroners, Sheriffs are all peace officers, and have their direct and indirect duties to perform in the presence of crime against the State, but never is there a time when any one of them is equal in dignity or authority to the Solicitor General.

There is but one trial, upon motion of the State, of a criminal case in Georgia, and that is in the court house, under the direction of the Solicitor.

If a defendant be acquitted, that ends the matter. If he be convicted, he may move for another trial or appeal to a competent court of review. The State has no appeal.

Therefore, the law very properly provides that Coroner's findings, committal hearings and Grand Jury returns shall be merely parts of the process employed, or permitted, by the Solicitor, in whole or in part, prior to the actual trial of a case in the court house, before the judge and the trial jury.

There never is any question of the Solicitor General's supreme prosecuting status in the progress of a criminal investigation. Within the wide and sometimes arbitrary scope of his office he stands first in responsibility as the State's accredited representative and agent in the prosecution.

To be sure, there are Constitutional and statutory curbs and restrictions upon a Solicitor General, but none of them may be invoked by a Coroner.

SOLICITOR DORSEY ORDERS BODY EXHUMED IN THE HOPE OF GETTING NEW EVIDENCE

Atlanta Georgian

Wednesday, May 7th, 1913



Paul Donehoo

Inquest, To Be Resumed Thursday, Will Bring Out Important Facts Not Yet Made Public---Medical Experts To Be Called by Coroner.

New mystery was added to the Mary Phagan case on Wednesday, when the authorities for some reason not yet disclosed, did not follow out the order given by Solicitor Dorsey for the exhumation of the remains.

It was said by Solicitor Dorsey that he had given this order in the hope that new clues might be discovered.

A difference of opinion as to the advisability of the exhumation evidently has arisen, but the officials concerned were reticent. Coroner Donehoo admitted that Dorsey's order had been given, but said it had not been carried out. He would make no further statement.

The report published in an early edition of The Georgian that the body had been exhumed was made on statements by officials, and that it was for the purpose of making a microscopic examination of every wound on the body for finger prints and other clues.

It is undoubtedly the intention of the authorities to exhume the body again.

Dorsey Maintains Silence.

Very properly Solicitor Dorsey is not making public every move that the prosecution is engaged in, nor is he giving to the public such evidence as he is enabled to obtain.

It would seem probably that the exhumation will be made, if not on Wednesday, at least some other day soon; for the belief is growing that there still may be some clues that are worthy of further examination.

It was reported that the finger prints on the body were to be photographed and compared with the finger prints of persons under suspicion; which may, or may not have any basis in facts and might, or might not be of value. After the remains were discovered in the factory basement they were handled by several persons—embalmers and others—and whether there are any finger prints now on the body is problematic.

Chart May Be Made.

It is said, that a complete chart will be prepared by medical experts to be used at the trial, showing every wound and mark.

Notwithstanding these speculations as to the purpose of the exhumation, Solicitor Dorsey declared Wednesday forenoon that it was not for the purpose of obtaining a record of the fingerprints. One of the principal reasons for the action, he said, was to get a strand of the girl's hair in order to compare it with the hair found on the lathing machine in the tipping department at the factory. It was at this point that the detectives discovered blood spots on the floor and other evidence of a struggle.

"I cannot talk in regard to the matter," he said. "The body was exhumed, it is true, at my request. But to reveal further plans would be hurtful."

Thinks She Didn't Leave Factory.

The Solicitor is in entire accord with the theory that Mary Phagan never left the factory after she received her pay Saturday noon. He declared that if any search was being made for the man seen with a girl Saturday, April 26, by attaches of the Terminal Station, it was not being conducted under his direction.

The results of the chemical analysis in the laboratory of Dr. Harris in the State Capitol have not yet been made public. Dr. Harris would not admit Wednesday that traces of drugs had been found, bearing out the belief that the girl was drugged and rendered helpless before she was slain in the factory.

All of the remaining evidence in the case will be presented when the Coroner's inquest resumes Thursday morning at 9:30 o'clock.

It is the purpose of Coroner Donehoo to limit testimony to the points that are regarded as essential, so that

DORSEY ORDERS BODY EXHUMED IN PHAGAN CASE

the hearing may be concluded by Thursday night.

Have Two Hundred Names.

The Coroner and the Solicitor General have the names of about 200 persons on whom they may call for testimony. These include girls and women employed at the pencil factory. It is unlikely, however, that more than a few of the girls will be placed on the witness stand, but will be held in readiness to testify as was the case last Monday afternoon when the roll call room was filled with witnesses.

So far as the line of testimony can be anticipated from the information given out by the authorities, the most important will come from the physicians and chemists who have been at work on the mystery under the direction of Coroner Donehoo and Solicitor Dorsey.

Dr. H. F. Harris, director of the State Board of Health, will submit a report on his chemical analysis of the contents of Mary Phagan's stomach. Dr. Harris also made a careful examination of the wounds and bruises on the body and will report on this to the jury.

Dr. J. W. Hurt, county physician, made the first examination of the girl's body after it was found in the basement of the factory. He also was present when it was exhumed from its little grave in the Marietta cemetery and another examination made at the order of Solicitor General Dorsey. He will present the results of his observations to the jury some time during the hearing Thursday.

Dr. Smith to Be Quizzed.

Dr. Claude A. Smith, City Bacteriologist, has made a chemical examination of the bloodstains on a shirt found at Newt Lee's home and of the pieces of wood chipped from the factory floor where the stains of blood were discovered, and will be questioned by Coroner Donehoo.

The recalling of Newt Lee also is regarded as an indication that the authorities expect the night watchman to tell something which he forgot or concealed in his previous examination.

The factory girls will tell of their acquaintance with Mary Phagan, of her companions and habits and of the conditions under which they have to work at the factory, so far as they have any relation to the mystery.

Bowen Released in Houston.

Accompanying mystifying new features of the hunt for the slayer was the news that Paul P. Bowen, held in Houston for the Atlanta authorities, had been released and relieved of all suspicion.

Bowen was employed with the Morrow Transfer Company in Atlanta as stenographer and shipping clerk, and later with the Southern Railway. He had many friends here and with them a good reputation.

His father and other relatives live in Newman, Ga., and are among the best people of that part of the State. Chief of Police Davison, of Houston, was angered that his detective chief should have exceeded his authority in arresting Bowen, and promptly discharged him from authority.

By letters Bowen wrote from Texas and statements of friends it was proved conclusively that he could not have been connected with the Atlanta mystery and he was accordingly freed.

Girl Employee on Fourth Floor of Factory Saturday

Atlanta Georgian

Thursday, May 8th, 1913

Miss Corinthia Hall, one of the employees at the National Pencil factory, was a witness. She lives near Kirkwood, at 19 Weatherby Street, and has worked at the factory for three years. She knew Mary Phagan.

Miss Hall was at the factory at 11:45 Saturday, April 26. She went to get another girl's coat. She went to the fourth floor and stopped in at the office and asked Mr. Frank if she could go to the fourth floor. She was accompanied by a young woman who had recently married and whose coat they were after. They saw a woman on the fourth floor. It was May Barrett. They also saw a young woman stenographer in Frank's office, and Arthur White's wife in the office. White was on the fourth floor with Harry Denham and Miss Barrett.

Q. Did you see any sacks on fourth floor?—A. No.

Q. What was Miss Barrett doing?—A. She was talking to Arthur White.

Q. Does she work on that floor?—A. Yes.

Q. Did you speak to her?—A. No. I was in a hurry.

Q. You are sure you did not see her with any sacks?—A. Yes.

Q. Do you know A. P. Hayes?—A. I know one Mr. Hayes.

Q. Did you tell him you had seen May Barrett on the fourth floor with some sacks, and when you asked her what she was going to do with them that she looked confused?—A. No.

Q. Where did you go when you left the office?—A. I went to Alabama and Forsyth Streets and used a telephone; then went to the Busy Bee Café at Hunter and Forsyth and got a cup of coffee and a sandwich.

Q. How long were you there?—A. I can't remember exactly.

Q. Did any of the factory employees come in while you were there?—A. Lemmie Quinn.

Q. What time was it when he came in?—A. About 12:30.

Q. What time was it when you left the factory?—A. Quarter to 12. I looked at the clock when I came down.

Q. Were you eating when Quinn came in?—A. No; we were waiting while a waiter went out to get a five dollar bill changed.

Q. Did Quinn make any change for you?—A. Yes, he gave me some paper money for some silver.

Q. How long did Quinn remain there?—A. Just a minute or two.

Q. Where did he go after you left the restaurant?—A. We left him talking to some men on the sidewalk.

Q. Did you see Mary Phagan that day?—A. No.

Q. Did you see any other employees that day?—A. We met Mr. Holloway coming away from the factory and he told us Mr. Frank was there and would let us in to get the coat.

Q. Did Mr. Frank know Mary Phagan?—A. Not that I know of.

Q. Did he show any familiarity with any of the girls there?—A. No.

Stenographer in Factory Office on Witness Stand

Atlanta Georgian

Thursday, May 8th, 1913

Miss Hattie Hall, the stenographer who worked at the National Pencil Factory Saturday morning, April 26, testified as follows:

She lives at 69 Luckie Street and works for the National Pencil Company, in Montag Bros.' office. Saturday morning, April 26, she went to Montag Bros.' office on Nelson Street, arriving there at approximately 8 o'clock. She left there between 10:30 and 11. She had talked with Frank over the phone several times during the morning.

"The regular stenographer at the plant was off, I think on account of sickness," she said, "and I went over to the pencil factory to help Frank out. My work there consisted of acknowledging orders and writing some letters."

Q. How long would it take to acknowledge one order?—A. I don't know exactly.

Q. Would it take as long as a minute?—A. Not over that, if that long.

Q. Did you do any other work?—A. Wrote some letters, about ten or twelve, I think.

Q. Did you see Holloway there Saturday morning?—A. I don't remember.

Q. Would you have seen him by the clock?—A. I don't know; I am nearsighted.

Tells of Callers at Office.

Q. Were there any people there during the morning?—A. Yes.

Q. Who were they?—A. Two men came in to see about some trouble their boys, who worked there, had gotten in. A woman, who was the wife of one of the employees, came up to see her husband,

who was up there, and two young ladies, one who had just been married a few days, came up and drew their pay.

Q. How long did it take you to write the letters?—A. I don't remember.

Q. How long does it take you to write a page on a typewriter?—A. I don't know.

Q. Did you make carbons of those letters?—A. Yes.

Q. Can they be identified?—A. Yes, they have my initials on them.

Q. What time did you leave the office?—A. About 12 o'clock. I remember that I forgot my umbrella and went back to get it. As I was going out again I heard the 12 o'clock whistle blow.

Frank Busy When She Left.

Q. Was Frank busy?—A. Yes, the work was behind.

Q. Were you in the inner office with Mr. Frank except when he was dictating to you?—A. I don't remember.

Q. Was he working in there?—A. He was quiet, and I judged that he was busy.

Q. Did Frank make any remark that some of the employees had failed to get their pay on Friday?—
A. I do not recall him making any such remark.

Q. Did you hear him talk to anyone about the amount of pay due?—A. No. I heard him talking to the office boy about the amount of postage Frank thought was due him.

Q. Did you see him working on the financial sheet?—A. I do not remember.

Q. Did he say anything about his work?—A. Yes; he said he had lots of work to do.

Q. Was Darley there at all?—A. No.

The witness was then excused, and told to return at 2:30 o'clock.

Quinn, Foreman Over Slain Girl, Tells of Seeing Frank

Atlanta Georgian

Thursday, May 8th, 1913

L. A. Quinn, foreman of the department of the pencil factory in which Mary Phagan worked, testified as follows:

Q. What is your business?—A. Machinist.

Q. Did you know Mary Phagan?—A. Yes.

Q. What is your department?—A. Metal department.

Q. What department was she in?—A. Same.

Q. When did you see Mary Phagan last?—A. The Monday before the murder.

Q. Do you know her associates?—A. I know some who talked with her—girls.

Q. Any boys in that department?—A. Henry Smith and John Ramey.

Q. Were they thrown together?—A. All were working in the same room.

Q. When did you leave the factory?—A. Friday.

Q. When were you to return?—A. Monday morning.

Q. What time did you arise Saturday morning?—A. 7 a.m.

Q. Where did you go?—A. My wife and I went uptown and had baby's picture made. We left home at 9:30 and got to the photographer's at 10. We then came down Whitehall and stopped in the Globe Clothing store and talked to friends, and then came on down Whitehall Street and stopped at a meat market. We were there about five minutes. Then we went to a soda fountain and then home. We reached home at 11:15 and left again at 11:45, and I went to a meat market. I went from there to a soda fountain at Benjamin's Pharmacy and bought two cigars. It was a few moments after 12 then. Then I went to the National Pencil Company.

Q. What did you go for?—A. To speak to Mr. Schiff.

Q. Did you see Mary Phagan?—A. No.

Q. What time was it when you went to the factory?—A. About 12:20.

Q. Are you sure it was not after 12 when you left your home?—A. Yes.

Q. How long were you at the meat market?—A. About ten minutes.

Q. What part of the factory did you go to?—A. To the office.

Q. Who was there?—A. Mr. Frank.

Q. Anyone else?—A. No.

Spoke to Frank.

Q. What did you say?—A. Good morning, Mr. Frank.

Q. How long were you in there?—A. About two minutes.

Q. Do you know the exact time?—A. It was between 12:15 and 12:30.

Q. Could it have been as late as 12:30?—A. No.

Q. How do you know?—A. I was at another place at 12:30.

Q. Where did you go then?—A. Outside the factory.

Q. Whom did you meet?—A. Mr. Malsby.

Q. What did he say?—A. He said that the girls—meaning Mrs. Freeman and Miss Corinthia Hall—were in the restaurant.

Q. What restaurant did he mean?—A. “Busy Bee” Café, at Hunter and Forsyth Streets.

Q. What did you do then?—A. I went to the restaurant.

Went to Pool Hall Then.

Q. Who was there?—A. Miss Hall and Mrs. Freeman.

Q. How long were you in the café?—A. About two minutes; they came out with me.

Q. Where did they go?—A. To Malsby’s to use the phone.

Q. Where did you go?—A. DeToro Brother’s pool parlors.

Q. What time was it?—A. At 12:30.

Q. How long were you there?—A. Till 1:15.

Q. How long does it take you to walk to the factory from your home?—A. Between twelve and fifteen minutes.

Q. Where did you go when you left the poolroom?—A. To Atlanta Theater.

Describes Franks’ Attire.

Q. Who is John Rainey?—A. I don’t know; only he operates a machine in my department.

Q. What time did you get to the Atlanta Theater?—A. About 1:20.

Q. How was Frank dressed when you were in the factory?—A. Wore brown suit.

Q. Who did you talk to on Sunday?—A. Mr. Darley and Mr. Montague.

Q. What time?—A. 9:30.

Q. Where did you go?—A. We took a lantern and went into the basement.

Q. Did you see Frank on Sunday?—A. I saw him at Bloomfield's Sunday afternoon.

Q. How was he dressed?—A. I think he wore a black or a blue suit.

Q. What did he say?—A. Nothing except hello.

Q. Did you tell any of the officers that you had not been at the factory since Friday?—A. No.

Q. You didn't tell Officer Payne?—A. No.

Q. You didn't tell Detective Starnes?—A. No.

Refreshed Frank's Memory.

Q. How was Frank dressed on Monday?—A. I think he wore a brown suit.

Q. What is the name of the white substance kept in the barrel in the factory?—A. Haskoline.

Q. Did you talk to Frank about your being in the office on Saturday?—A. I refreshed his memory of my being there.

Q. When?—A. I don't remember the exact date. It was after he had been locked up.

Q. How did you refresh his memory?—A. We were discussing the supposition of the girl having never left the factory. I told him: "Why I was there Saturday after the time you say Mary Phagan was." He said he remembered me being there, but wasn't sure of the time. I told him what time it

was and he said he would tell his lawyers. I told him I did not want to be drawn into the case, but if it would help him I would do so.

Questioned of Talk With Girl.

Q. Were you alone with Frank when you talked of this?—A. Yes.

The witness was questioned closely regarding any conversation he might have had with Grace Jones, one of the girls working at the factory. He denied having discussed the murder with her at all, or having made the remark that he had not been at the factory on Saturday.

Q. Did you go out to the Colemans' home after the murder?—A. Yes.

Q. Did you discuss with them about Frank having fixed the machines?—A. No.

Q. Is there a man working at the place named Barrett?—A. Yes.

Q. Did you tell him you were there on Saturday?—A. No.

Q. Who was the first person you told you had been there on Saturday?—A. I told my father I had been there.

Q. Did you ever tell an officer?—A. Yes, Chief Lanford.

Q. You said that you had very little to do at the factory and came down to see Frank?—A. Yes, I was down there three or four hours a day for several days.

Tells How He Is Paid.

Q. Did your pay go on while you were here?—A. Yes.

Q. Have you been off at other times?—A. Yes.

Q. Did you receive full pay?—A. Ever since I have been foreman.

Q. Do you get paid by hour, day or week?—A. Week.

Q. Are you sure you had never told any officer of this before telling Frank?—A. Yes.

Q. Why did you just tell him?—A. Well, I knew he wouldn't question me three or four hours like the officers would.

Questioned as to his duty toward solving the mystery, witness said he thought if the officers were making a thorough investigation they would certainly question him, as he was foreman of the metal department.

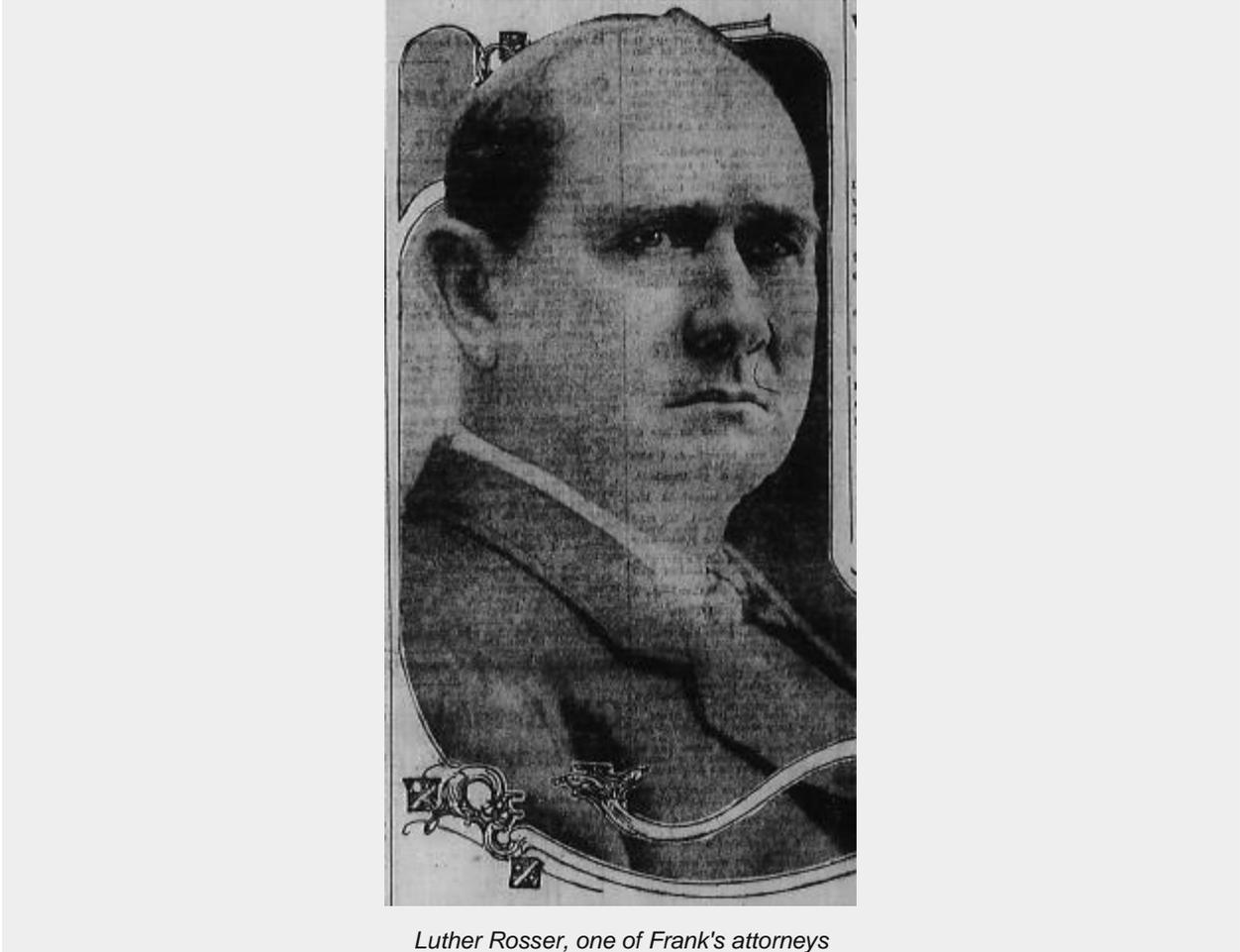
"I knew they had three or four men locked up," he said, "and as I had been in the building they might lock me up, too."

POLICE STILL WITHHOLD EVIDENCE

Frank To Be Examined on New Lines

Atlanta Georgian

Thursday, May 8th, 1913



Luther Rosser, one of Frank's attorneys

Witnesses Are Quizzed in Detail, but Nothing Important Brought Out. Officials Say They Are Satisfied With Case as It Is Being Developed.

Whatever evidence the police officials may have directly to connect any of the suspects with the killing of Mary Phagan, it was not produced at the early session of the Coroner's inquest Thursday.

What this evidence is the officials refuse to say—except that they are satisfied with the progress that is being made in unraveling the mystery.

Leo Frank, superintendent of the National Pencil Factory, is expected to be the most important witness of the day.

It is said that an entirely new line of questioning will be taken up.

W. W. ("Boots") Rogers, former county policeman, and Lemmie Quinn, foreman in the tipping department at the National Pencil Factory, were the principal witnesses. Neither gave testimony that

was materially damaging to either Leo M. Frank or Newt Lee, who are being held in connection with the crime.

Rogers was questioned closely of the events of the morning the crime was discovered, and told of taking the officers to the scene in his automobile. Beyond his belief that Frank appeared nervous when he was visited at his home by the detectives, Rogers had no information that appeared to point suspicion in one direction more than another.

He was sure, however, that the time clock tape on which Newt Lee, the night watchman, registered his half-hour rounds of the factory had no "misses" when it was taken from the clock by Frank that morning. Three misses were found on a tape subsequently brought to Police Headquarters.

Quinn's Story Unchanged.

An effort was made without avail to break down the story of Lemmie Quinn that he was at the factory and talked to Frank between 12:10 and 12:20 the Saturday afternoon of the tragedy. Coroner Donehoo tried to get Quinn to admit that he previously had told officers who interviewed him that he was not at the factory between Friday and the following Sunday.

Quinn steadfastly refused to admit that he had made a statement of the sort. He supported Frank's testimony of last Monday by insisting that he visited the factory for a few minutes and went into Frank's office.

Miss Hattie Hall, the stenographer who was at the factory office Saturday until noon, was another of the witnesses called to the stand during the forenoon. She testified as to Frank's movements while she was there.

Frank Pale, but Calm.

Frank was brought into the Commissioner's Room in the police station before the inquest began, but later was excused and Rogers called.

The factory superintendent was pale, but calm and collected. He whispered a few words to his counsel, Luther Z. Rosser, and smiled faintly at a remark that was made to him. He appeared to show the strain of the days since he has been in a cell.

Lee was not admitted to the room at the beginning of the hearing, but was detained in a nearby office. The night watchman seemed almost indifferent.

Pinkerton Detective Tells of Call From Factory Head

Atlanta Georgian

Thursday, May 8th, 1913

Harry Scott, the Pinkerton detective who has been working on the case since the day of the crime, took the stand when Schiff concluded his testimony.

Scott testified that Frank called him up Sunday afternoon before there was any talk of his arrest and asked the Pinkertons to begin work on the case and find the slayer.

Scott testified as follows:

Q. How are you interested in the Phagan case?—A. I was retained by the National Pencil Company to find the guilty man.

Q. Who retained you?—A. I received a call from Mr. Frank and he told me what he knew about the case.

Q. Where did Frank talk to you?—A. Mr. Frank, Mr. Dalley, Mr. Schiff and I went into the private office.

Q. What did Frank say?—A. He said: "I guess you have read of the crime. We feel an interest in the matter and desire to retain the Pinkertons and try to locate the murderer."

Tells He Is Suspected.

Q. What else did he say?—A. He said he had been down to the police headquarters, and that Mr. Black seemed to suspect him of the crime. He told me of his movements on the day of the crime. He told me that about 12:10 Mary Phagan came into the office and drew her money, \$1.20. At 12:50, he

said, he went up to the fourth floor and saw Mr. White talking to Harry Denham and Arthur White. He said he left at 1:10 and went home, and returned at 3. White and Denham, Frank told me, left about 3:10, leaving him alone in the building. Newt Lee reported at 4, but was sent away. Frank left the building about 6:15, and on the way out saw Newt Lee talking to James Gantt. Mr. Frank allowed Gantt to go inside of the factory to get some shoes and told Lee to go with him. Frank said he became worried over the presence of Gantt in the building and called Lee at 7:30. Frank asked Lee if Gantt had left the building and Lee said yes. Then Frank asked Lee if everything else was all right, and Lee said yes.

Q. Did you ask Frank any questions?—A. No.

Frank Showed Him Building.

Q. What did Frank show you?—A. He showed me the elevator, the room where the blood and hair were found, the basement where the body was found, and also the door.

Q. Have you talked to him since?—A. I talked to him one night, with Detective Black, at headquarters, but did not try to get a statement.

Q. Did he resent any of your questions? Did any one ask you to withhold evidence?—A. Mr. Hubert Haas asked me to keep the police from getting our evidence, and I told him we'd withdraw from the case before we'd do that.

Q. Tell of the interview between Lee and Frank.—A. Mr. Black suggested that Frank talk to Lee, since he employed him, and to try to get Lee to tell all the truth of the matter.

Q. What did Frank say to Lee?—A. I don't know. They were together privately.

Q. What did Lee say?—A. Lee says that Frank didn't want to talk about the murder. Lee says he told Frank he knew the murder was committed in daytime, and Frank hung his head and said "Let's don't talk about that."

Q. Did Frank tell you what happened at his conference with Lee?—A. No. He said he tried to get something out of Lee, but couldn't.

Asked Lee About Clock.

Q. Do you remember Frank ever asking Lee anything about the clock slip?—A. Yes, it was in Chief Lanford's office. Frank asked Lee about a skip on the record from 9:30 to 10:25. Lee said that he punched the clock regularly and Frank remarked that [1 word illegible] looked mighty peculiar.

Q. Tell us if this shirt was found [2 words illegible] back yard?—A. Yes.

Q. When you first saw the shirt was it very bloody?—A. Yes, it was very bloody on the right shoulder. The shirt looked as though it had been freshly washed, but not ironed. The blood spots looked fresh. Fred Bullard and Black said they found the shirt in a rag barrel in Lee's back yard. The shirt looked as though it might not have been worn since being washed.

Couldn't Explain Spots.

Q. Was the shirt torn?—A. We tore a piece out of the shirt and showed it to Lee and he said he had a shirt with a flower design on it like this piece. We showed him the shirt then and he said at first that he thought it might be his shirt, although he had not seen it for two years. He said he did not know how the blood spots got on it. After looking at the shirt again he said he did not believe it was his shirt.

Q. What size shirt was it?—A. We could not tell.

Q. Have you any definite clew as to who committed this murder?—A. I would not care to commit myself that far.

LEO FRANK IS AGAIN QUIZZED BY CORONER

Atlanta Georgian

Thursday, May 8th, 1913

Newt Lee Called to Stand for Further Examination---Coroner Will Put Case in Hands of Jury by 7 o'clock, It is Predicted.

Leo M. Frank, superintendent of the National Pencil Factory, and Newt Lee, night watchman, both of whom are being held in connection with inquiry into the death of Mary Phagan, were recalled to the witness stand late Thursday afternoon at the inquest.

Frank was given a more searching examination as to movements on the day of the tragedy than he underwent his first day on the stand and an apparent endeavor was made to show that he was not at home at the times he had stated in his previous testimony.

Frank, however, answered the questions readily and Coroner Donehoo was not able to trip him.

In Frank's previous testimony he failed to mention several persons who were at his home when he said he was there Saturday night. But when he was questioned in regard to this point Thursday afternoon he gave their names at once.

NEWT LEE PRECEDED FRANK ON THE STAND.

Lee's testimony was in regard to the private conversation he had with Frank when Lee was first arrested. He declared that Frank had told him that they would "both go to hell" if they were not careful, but the effect of this testimony was largely nullified by Frank's earlier statement that the remark or a remark to the same effect was suggested by one of the detectives in the hope of getting some information from the night watchman.

The morning session was not prolific. Nothing of consequence was developed.

Miss Hattie Hall and Herbert Schiff, chief clerk in the pencil factory, were the first witnesses at the afternoon session.

Coroner Donehoo called for Lee immediately after Detective John Black had testified, supplementing the important testimony given by Harry Scott, of the Pinkertons.

W. W. ("Boots") Rogers, former county policeman, and Lemmie Quinn, foreman in the tipping department at the National Pencil Factory, were the principal witnesses this morning. Neither gave testimony that was materially damaging to either Leo M. Frank or Newt Lee, who are being held in connection with the crime.

Rogers was questioned closely of the events of the morning the crime was discovered, and told of taking the officers to the scene in his automobile. Beyond his belief that Frank appeared nervous when he was visited at his home by the detectives, Rogers had no information that appeared to point suspicion in one direction more than another.

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Night Edition

[The following few paragraphs were added to the above article in the night edition of the *Atlanta Georgian*—Ed.]

PHAGAN INQUEST IS NEAR END; LIKELY TO GO TO JURY BY 7 P.M.

Witnesses Are Quizzed in Detail, but Nothing Important Brought Out. Officials Say They Are Satisfied With Case as It Is Being Developed.

Leo Mr. Frank was ready to take the witness stand in the Phagan case when the Coroner continued the afternoon session on Thursday.

The morning session was not prolific. Nothing of consequence was developed.

Miss Hattie Hall and Herbert Schiff, chief clerk in the pencil factory, were the first witnesses at the afternoon session.

Newt Lee, the night watchman, was to follow Frank on the stand, and officials asserted that Lee would doubtless begin his concluding testimony by 4 o'clock.

It was expected that not more than six witnesses would be put up, the authorities declared, and that the inquest would be concluded before night.

The case will probably be placed in the hands of the Coroner's jury for a verdict by 7 o'clock.



Lillie Pettis

Testimony along a new line will be given, it is understood by Miss Nellie Wood, 8 Corput Street; Miss Nellie Pettis, 9 Oliver Street, and Mrs. Lilie Pettis, 9 Oliver Street. All three young women will assert that Frank sought to treat them in a familiar manner.

Another witness, a young woman, whose name the authorities refuse to divulge, will conclude the testimony. She is sick, it is asserted, but will be present with her physician.

Newt Lee, the negro night watchman, took the stand at 4:10 o' clock.

Coroner Donehoo called for Lee immediately after Detective John Black had testified, supplementing the important testimony given by Harry Scott, of the Pinkertons.

Lee Repeats His Private Conversation With Frank

Atlanta Georgian

Thursday, May 8th, 1913

Newt Lee followed Black on the stand.

Q. Tell the jury of your conversation with Frank in private—A. I was in the room and he came in. I said, Mr. Frank, it is mighty hard to be sitting here handcuffed. He said he thought I was innocent, and I said I didn't know anything except finding the body. "Yes," Mr. Frank said, "and you keep that up we will both go to hell!" I told him that if she had been killed in the basement I would have known it, and he said, "Don't let's talk about that—let that go!"

Frank has declared that he was instructed by the detectives just what to say to Lee in the effort to open his mouth, and said it.

Q. Was the furnace running Saturday night?—A. It was fired up.

Q. Did you say anything about sleeping?—A. Yes, sir. I came to the factory and Mr. Frank came out of his door and rubbed his hands and said he was sorry he had me come so early, when I might have been sleeping. I said I needed sleep.

Never Met Him Before.

Q. Did Frank ever come out to meet you before?—A. No, sir. He usually says “All right,” when I say, “All right, Mr. Frank.”

Q. Is the trap door usually open?—A. Yes, sir; it’s open every evening when I come.

Q. When you went into the machinery room, did you notice anything on the floor?—A. No, sir.

Q. When you came there at 6 o’clock, what happened?—A. Mr. Frank came out and asked me what time it was. He told me not to punch the clock, as he wanted to put on a new tape. I held the lever and he put on the tape.

Sure He Punched Clock.

Q. Did he unlock the door of the clock?—A. No, he just opened the door.

Q. Are you sure you punched the clock every half hour that night?—A. Yes, sir.

Q. Whose shirt was that they found at your house?—A. It looked like one of mine. I used to have one like that.

Q. Whose clothes were in that barrel?—A. I had mine in there, and the lady might have had some of hers there.

Q. Was your shirt store bought?—A. No, sir, Mrs. John Bowen made it.

INQUEST SCENE IS DRAMATIC IN ITS TENSENESS

Atlanta Georgian

Thursday, May 8th, 1913



Hattie Hall, Frank's stenographer

Crowd in Small, Smoke-Filled Room Breathlessly Follows the Phagan Slaying Inquiry.

FATHER WEEPS SILENTLY

Jurors, Officials and Detectives Manifest Intense Interest in Replies of Witnesses.

In a small, crowded and smoke-filled room at police headquarters, Coroner Donehoo on Thursday morning began what it is thought will be the last session of the jury impaneled to inquire into the death of Mary Phagan, strangled to death in the basement of the National Pencil Factory April 26.

The situation was tense and pregnant with possibilities. The fact that the investigation of the case is rapidly drawing to a close, coupled with the admissions of officials that new and important evidence would develop the examination of the witnesses to-day, brought out a large and curious crowd.

At one end of the long table, heaped with notebooks and typewriters, sat Coroner Donehoo, flanked on each side by members of the jury. At the foot of the table sat the newspaper reporters and the official stenographers, four in number. Facing Coroner Donehoo and the jury sat the witness. Ranged along the wall were curious spectators, relatives of the dead girl and friends of the witnesses. Long before the inquest was called every available chair in the room was taken, and late comers ensconced themselves on the window ledges.

Dorsey Takes Active Part.

Prominent among the spectators were the attorneys for Frank, Pinkerton and city detectives and county and State officials. Solicitor Hugh Dorsey sat just behind Coroner Donehoo, and took an active part in the questioning of the witnesses. While Mr. Dorsey asked no questions himself, several times he conferred with the Coroner on the best manner in which to examine the witnesses.

Attorney Luther Rosser also occupied a seat near the Coroner, and took keen interest in the proceedings of the inquest. He did not object to any of the questions asked the witnesses that had bearing on the actions of Leo M. Frank on the day of the murder.

Ranged against the wall behind Coroner Donehoo were Detective John Black, in charge of the city investigating squad; Detective Starnes, and Detective Harry Scott of the Pinkertons. All of the officers paid close attention to the examination of the witnesses. To the left of the Coroner sat Dr. J. W. Hurt, County Physician, who examined the body, and whose testimony is awaited with considerable curiosity.

Father a Pathetic Figure.

J. W. Coleman, father of the dead girl, stood against the wall to the right of Coroner Donehoo, a pathetic figure in his sorrow. Mr. Coleman evinced keen interest in what was transpiring. He kept his eyes fixed constantly on the witness who sat at the foot of the long table, and his eyes filled with tears as the tragic details of the finding of the child's body were related.

The attitudes of the individual members of the jury showed their realization of the responsibility that rests upon them. Each of the six sat with his arms on the table, paying closest attention to the statements of the witnesses. Most of the questions were asked by the Coroner, but now and then a juror would interrupt to ask the witness to make some point clearer.

The air of tense eagerness with which the jurors awaited the replies of the witnesses was communicated to those whose only interest in the case was the satisfaction of curiosity.

Crowd Tense and Quiet.

The crowd in the room was one of the quietest that has ever attended a session of the inquest. Save for the occasional scratching of a match or the dragging of a chair across the floor, nothing was heard but the voices of the Coroner and the witnesses.

All of the witnesses brought in were subjected to a close examination by Coroner Donehoo, and all bore the ordeal well. "Boots" Rogers, one of the policemen who found the body, was on the stand more than an hour.

Frank of Nervous Nature; Says Superintendent Aide

Atlanta Georgian

Thursday, May 8th, 1913

The inquest was resumed at 2:40. Only a small crowd was present.

Miss Hattie Hall, stenographer for the Pencil Company, was called.

She said she had been connected with the company since December 4.

From a pile of papers taken from the factory records, Miss Hall identified a number that were written by herself. She said she did not think she could identify Frank's writing. Miss Hall selected eight letters that she had written. She said she didn't know how long it had taken her to write the letters.

Miss Hall looked at the cash book and the book containing the financial sheets and said there was nothing in them she had done on April 26.

Couldn't Identify Writing.

Coroner Donehoo did not explain his interrogation of the witness along these lines. He appeared very anxious to know just what work she had done on the day of the murder, and instructed her to be careful in identifying her own writing. Several questions were asked her regarding Frank's handwriting, but she insisted that she could not identify it.

Herbert Schiff, 38 West Fair Street, chief clerk at the Pencil Factory, was called next. He testified as follows:

Q. What do you do at the factory?—A. Help Mr. Frank, keep the pay roll and other things.

Q. Are you familiar with Frank's handwriting?—A. Yes.

Q. Were you there Saturday, April 26?—A. No, sir.

The witness was here asked several questions relating to the business of the company.

Examines Books and Papers.

He was told to examine the books and papers that were shown Miss Hall, and identify Frank's handwriting. He identified several letters and acknowledgements as having been written by Frank, and also a number of entries in the order book, dated April 26.

Q. Were you at the office Monday morning?—A. Yes.

Q. What was Mr. Frank doing?—A. He wasn't there. He didn't return until about 3:30 Monday afternoon.

Q. What time does Mr. Frank get down?—A. He is usually there about 8. He is usually there when I get there.

Q. Did you see Frank Sunday?—A. I saw him in Bloomfield's with Mr. Darley and some of the other help.

Known Frank Five Years.

Q. Do you know Mr. Frank very well?—A. Yes.

Q. How long have you been with him?—A. Five years.

Q. Have you been close to him?—A. I guess I have been around him as much as anyone.

Q. Is he of nervous temperament?—A. Yes, he is very excitable. I would say very much so.

Q. How long would it have taken you to get up all of the data on the financial sheet which Mr. Frank did?—A. Five or six hours.

Q. How long would it have taken Mr. Frank to do it?—A. He has handled it more often and would be quicker. I would say half an hour less than it would take me.

Q. What else did Frank do?—A. Balanced the cash book.

Q. How long would that take?—A. About an hour and a half.

Frank Answers Questions Nervously When Recalled

Atlanta Georgian

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Frank was slightly nervous when he was answering the questions. He was asked:

Q. What kind of an elevator floor have you in the factory on the office floor?—A. A solid sliding door.

Q. Where was the elevator Friday night and Saturday?—A. I didn't notice it.

Q. What protection would there be from a person from falling into the shaft if the door was open?—
A. There is a bar across the shaft.

Q. Where was the elevator Saturday?—A. I did not notice it.

Q. Where was it Sunday?—A. On the office floor.

Gave Tape to Police.

Q. What did you do with the tape after you took it out of the clock Sunday morning?—A. Gave it to one of the officers.

Q. Who was at a party at your house Saturday night?—A. Mr. Goldstein and others.

Q. Who else?—A. His wife and Mrs. Isaac Strauss.

Q. What were you doing?—A. Reading the Metropolitan magazine.

Q. Did you greet them?—A. Yes.

Q. You just greeted them?—A. Yes.

Q. Did you get up to greet them?—A. I don't remember.

Q. How about Mrs. Wolfsheimer?—A. She was not there.

Q. What was said about whisky when the officers came?—A. Nothing was said of whisky, but I said I would like to have a drink of something warm and the officer said a drink would do me good.

Dreamed of Phone Call.

Q. What did you say of some one telephoning you later at night?—A. I said I dreamed some one called.

Q. Did you look at the girl when you went to the undertakers?—A. Yes.

Q. Did you go into a toilet?—A. I did not.

Q. When did you first hear the girl's name?—A. I do not remember that accurately.

Didn't See Girl Late Saturday, He Admits

Atlanta Georgian

Thursday, May 8th, 1913

Man Who Said Mary Phagan Passed His Place Testifies He Was Wrong.

J. L. Watkins, who testified that he saw Mary Phagan Saturday afternoon, April 26, between 4 and 5 o'clock, was called to the witness stand.

He was accompanied to the inquest by a girl, Daisy Brown, who he said was the girl he mistook for Mary Phagan.

He said he became convinced of his mistake when detectives came out to his place and had Daisy Brown to dress as she was Saturday afternoon. Then he discovered, he said, that she was the girl he had mistaken for Mary Phagan.

Daisy Brown was placed on the stand and testified that she had passed along Bellwood Avenue at that time, Saturday, April 26.

She said she knew Mary Phagan, but could not understand how Watkins had mistaken her for Mary Phagan, as Mary was a little shorter and heavier.

Black Testifies Quinn Denied Visiting Factory

Atlanta Georgian

Thursday, May 8th, 1913

John Black, city detective, followed Scott.

Q. Tell about the shirt.—A. Sergeant Bullard and I went out to the rear of 40 Henry Street and searched Newt Lee's room.

Q. What did you find?—A. Lots of things.

Q. Tell about finding the shirt?—A. We found it in the bottom of an old barrel.

Q. Was the shirt on the top or in the bottom of the barrel?—A. In the bottom.

Q. When was this?—A. On Wednesday after the murder.

Q. Did you see the shirt Lee wore Sunday morning?—A. Yes.

Q. What kind was it?—A. A brown woolen shirt. The one we found at his home was unlaundered. It was washed, but not ironed.

Q. Have you any positive clues to the person that committed the crime?—A. No.

Q. What did Mr. Quinn say to you about his trip to factory Saturday?—A. Mr. Quinn said he was not at the factory on the day of the murder.

Q. How many times did he say it?—A. Two or three times. I heard him tell Detective Starnes that he had not been there.

Q. What did you tell Frank to ask Lee when they had a conference?—A. Nothing in particular, only that he try to get Lee to tell the truth.

“Boots” Rogers Tells How Body Was Found

Atlanta Georgian

Thursday, May 8th, 1913



W.W. "Boots" Rogers

W. W. Rogers was the first witness. He lives at 104 McDonough Road, and operates an automobile for himself. He said he took a party of officers to the National Pencil plant at five minutes past 3 o'clock Sunday morning, April 27.

He corroborated statements of officers regarding the finding of Mary Phagan's body and the notes beside it, and of the body being face downward.

Q. Who telephone Frank of the murder?—A. Starnes called him and asked him to come to the factory.

Q. How long were you in front of the plant before you were let in?—A. Two or three minutes.

Q. Did you hear him coming?—A. We saw him coming down the steps with a lantern.

Q. What did he say?—A. She's in the basement, white folks.

Q. Was he excited?—A. No, he answered questions coolly.

Q. What did he say when you went downstairs?—A. He thought at first it was something the boys had placed there to frighten him.

Q. How did he say he found the body?—A. On her face.

Q. How did you find it?—A. On her face.

Q. Do you remember any other questions asked him?—A. Yes, but he talked in a straight way.

Q. Who went back upstairs with Lee and Anderson after Lee had been placed under arrest?—A. No one else.

Q. Where did they go?—A. Into office, where Anderson attempted to get Frank over the phone.

Lee Was Not Excited.

Q. Was Lee excited then?—A. No.

Q. What else did you find?—A. We looked all over the place for her hat and shoe. Then Sergeant Brown and myself walked out the back door and down the alley. When we came back I went out on McDonough Road in my machine and got Miss Grace Hicks, who, I knew, worked at the pencil factory. I brought her to town about 5:30 or 5:45. She told us who the girl was.

Q. Did you ever get in touch with Frank while in the office?—A. After I got back with the young lady Mr. Starnes called Frank again and got him. That was a little after 6. It took about five minutes for me to go out to his house.

Q. Who answered the door?—A. Mrs. Frank.

Q. Was Frank there?—A. He was standing in the hall behind the curtains. He was dressed, with the exception of collar, coat and hat. He asked Black what was the matter and Black did not answer, but told him he had better put on his clothes and go to town with us. Frank was hoarse and Black suggested that a drink might do him good. Mrs. Frank went upstairs to see if there was any whisky in the house, but did not find any.

Says Frank Was Nervous.

Q. Was he well groomed?—A. Yes; I noticed particularly that he had on a clean white pleated bosom shirt. He was nervous, and moved about very nervously.

Q. How do you know he was nervous?—A. By the questions he asked.

NEW EVIDENCE IN PHAGAN CASE NOT YET BROUGHT OUT; DIG CAREFULLY FOR FACTS

He asked if anything had happened at the factory and when Black did not reply he asked if the watchman had found anything unusual. Black did not answer them, and he asked if the watchman had called him, and when we did not answer he said that he dreamed the night watchman called him about daybreak. He struck me as being highly nervous.

Q. What did you talk about on the way to town?—A. Black asked him if he knew Mary Phagan and he asked if she worked at the factory. Said he did not know whether he knew her or not.

Q. Where did you go?—A. To the undertaking establishment.

Q. Did Frank see the body?—A. No.

Q. Where did he go?—A. When we went into the room the undertaker turned the child's head and Frank sidestepped into a toilet.

Q. Was Frank trembling?—A. I did not notice that he was.

Q. What questions were asked?—A. He asked us the girl's name and we told him Mary Phagan and asked if he knew her. He said he would have to look on the payroll to find out. We went around to the factory. He opened the safe and got out his books.

Q. Who was in the factory?—A. Several officers and Mr. Darley, the foreman, went in just ahead of us.

Tells When She Was Paid.

Q. What did Frank do?—A. He looked in his books, ran his finger down a column and said: “Yes, she was here.” Then he said: “Yes, she was paid off yesterday. I can tell you just when. The stenographer and office boy left at 12 o’clock and she came in here—let’s see, I can tell you the exact time—it was 10 minutes past 12. I paid her \$1.20.” Frank looked nervous and asked if anyone had found the envelope; that it must be around “there somewhere.”

Q. Did you take Frank into the basement?—A. Yes, we went down. Frank ran the elevator.

Q. Did he say anything about the negro running the elevator?—A. Yes, he was asked if the negro ever ran it, and he said no.

Q. Had you noticed the elevator before?—A. No, except when we first went into the basement.

Q. Where was it?—A. Above us.

Q. Did you inspect the shaft then?—A. Yes.

Q. Did you see anything?—A. No, but I did not have a flashlight.

Q. Was anything found there later?—A. Yes, a parasol.

Q. Did you make a close inspection when Frank went into the basement?—A. No, we just took a casual look around.

Q. When did you see the parasol, hat and shoe?—A. I did not see them until nearly 7 o’clock. The officers had them upstairs.

Frank Inspected Building.

Q. Did Frank inspect rest of the building?—A. Yes, and Chief Lanford and Frank, with several officers, went to the other floors and left the negro with me.

Q. Did Frank come back into the office?—A. Yes, he came in twice while I was there with the negro. He spoke to Lee once, shook his head and said “Too bad.”

Q. Did you notice the clock?—A. Yes. Frank and Darley were out there by the clock, and Frank said “I guess I had better change the clock.” He opened it, took out the slip and placed it by the clock while he went into the office to get another slip. He then called to one of us and I held the lever up and found a pencil sticking in hole. Frank asked Lee what the pencil was doing there. Lee said he put it there so he could be sure of hitting his number. Then Frank locked the box with a key. He had opened it with a key.

Q. What was done with the slip taken out?—A. Frank dated it and took it into his office.

Q. What date did he put on the slip?—A. I think it was April 26; I’m not sure.

Rogers said he looked at the slip and the first punch was at 6:30 and last at 2:30. There were no misses, he said.

Q. Where was the slip taken?—A. Frank took it into the office and put it on file.

Q. Did Chief Lanford take it away?—A. Not then; he may have got it later in the day.

Q. Are you sure there were no misses on the slip?—A. I would have noticed if there were.

Q. Did Darley and Frank have any conversation while on the way to the station house after that?—A. Not that I remember. I was driving the car and Frank was seated in Darley’s lap.

Q. Was Frank still nervous?—A. Yes. He still wanted a cup of coffee. He had been anxious all morning to get a cup of coffee. Several times he had asked Chief Lanford if he could spare him to go and get a cup of coffee.

Frank Wrote Nervously.

Q. What was done at the station house?—A. When we got there the officers were having Newt Lee write for them.

Q. Did he look nervous?—A. No, he was writing what they told him.

Q. Did they have Frank write?—A. Yes.

Q. Was he nervous?—A. Yes, his hand was shaking.

Rogers was excused and Lemmie Quinn, foreman of the metal department, was called.

BEST DETECTIVE IN AMERICA NOW IS ON CASE, SAYS DORSEY

Atlanta Georgian

Friday, May 9th, 1913

Solicitor Dorsey Says He Has Secured Powerful Aid in Search for Slayer of Girl---Woman Says She Heard Screams in Pencil Factory.

Shelby Smith, chairman of the Fulton commission, declared Friday afternoon that the board would back Solicitor Dorsey in any and all expense he might incur in the state's exhaustive investigation into the Phagan murder mystery. Smith said;

"We have instructed Dorsey to obtain the best possible detective skill for his probe and he would be backed by the county commission to the last ditch in the money the spent.

"The fact that he hired a good detective Friday is news to me, but he has the sanction and backing of the board in the matter."

HIRES BEST DETECTIVE, HE SAYS.

Solicitor General Hugh M. Dorsey said Friday afternoon that he had the best detective in America working on the mystery of the Mary Phagan strangling.

Important developments had ensued already, he declared, and he was confident that an early solution of the case would be reached by the new expert of national reputation who had been placed at work on the clews.

The solicitor is understood to have the affidavit of a woman who swears that she heard a girl's screams as she was passing the factory at 4:30 o'clock the afternoon of the tragedy. The cries were shrill and piercing, she says, and died away as she stopped an instant to listen.

The woman was sure they came from inside the factory, but she gave little attention to her startling experience until she read of the strangling of Mary Phagan. Then it occurred to her that she very likely had heard the dying cries of the little girl and she reported the matter to the authorities.

Solicitor Dorsey, as his first action after the holding of Leo M. Frank and Newt Lee to the Grand Jury for the murder of Mary Phagan, put out the dragnet for witnesses.

A batch of subpoenas were issued for the witnesses to appear in his office to give testimony in the case of "The State vs. John Doe."

After a long conference with Detective Starnes and Campbell, Solicitor Dorsey asserted that action on the part of the Grand Jury might be expected any time after Friday. He plainly intimated that a special session of the jury might be convened Saturday to consider the Phagan murder.

The Solicitor declared as he left the court house with a private detective whose name he refused to divulge that he anticipated the development of startling evidence before night, which, he said, would clear matters materially.

Dorsey Questions Newt Lee.

With the private detective the Solicitor went to the Tower and was closeted with Newt Lee, the night watchman, for more than an hour.

The form of the subpoena is taken to mean that many of the witnesses will submit their sworn testimony before the Solicitor General, who will thus have it in documentary form, instead of going before the Grand Jury to give oral testimony. However, it will be necessary for the material or indicting witnesses to go before the Grand Jurors in person.

"The investigation has just begun," said Chief of Detectives Lanford Friday, in discussing the action of the Coroner's jury. "We were confident we had presented sufficient evidence to warrant the

holding of the two suspects in the case, but we will have much more when the case gets into the courts.

Have Strong Theory Already.

“We are going to continue right on with the investigation and try to dig down to the full truth of the mystery. We have a strongly supported theory as to who committed the crime, but we are ready at any time to change our opinions as soon as the evidence points in another direction.

“It will be possible, with the rush and hurry of the Coroner’s jury

PHAGAN CASE TO BE RUSHED TO GRAND JURY BY DORSEY

passed, for my men to work with more deliberation and care and to sift with a greater thoroughness every bit of evidence that comes into their possession. Even if nothing new should develop, we have enough leads to keep half a dozen detectives busy for a week.”

Detectives Rosser, Campbell, Black, Starnes and Bullard are still working with the chief on the case and probably will continue until the mystery is cleared.

Lemmie Quinn, foreman in the tipping department at the National Pencil factory, was the first of the witnesses to be examined by the Solicitor. He was in Mr. Dorsey’s office a considerable part of the forenoon and underwent a rigorous examination.

New Witnesses Sought.

Detectives Starnes and Campbell also were with the Solicitor, and two of the Solicitor’s assistants. Newton Garner and Dan Goodlin were dispatched the first thing in the morning to hunt up new witnesses of whom Mr. Dorsey had information.

Foreman Quinn was called, it is understood, to clear up the discrepancies in his testimony and the statement he is said to have made to the detectives and to several of his acquaintances. In his testimony before the Coroner’s jury he declared that he visited the factory between 12:10 and 12:30 o’clock, the afternoon of the killing of Mary Phagan. He said he talked with Frank for two minutes in the superintendent’s office.

Detectives declared that Quinn had told them and other persons that he did not visit the factory at all Saturday and that he was not there from the time he left Friday until the following Monday.

Frank Expected To Be Held.

"That's about what I expected at this time," was the comment with which Leo M. Frank, with little trace of emotion, received the news of the action of the Coroner's jury Thursday night.

Deputy Sheriff Plennie Minor was the officer who informed both Frank and Newt Lee that the jury had recommended that they be held under charges of murder for further investigation by the Fulton County Grand Jury.

The night watchman received the news indifferently and had nothing to say.

Frank and Lee are held under charges of murder, as the following verdict of the Coroner's jury will show:

Atlanta, Ga., May 8, 1913.

We, the Coroner's jury, impaneled and sworn by Paul Donehoo, Coroner of Fulton County, to inquire into the cause of the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, County Physician, find that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton County Grand Jury.

(Signed)

HOMER C. ASHFORD, Foreman.

DR. J. W. HURT, County Physician.

Solicitor Dorsey said Friday he would give the Phagan case all of his attention and present his evidence to the Grand Jury as quickly as possible.

The solicitor has shown an anxiety to avoid delays of any nature in hunting down the slayer of the Phagan girl, and now that the Coroner's jury has turned the case over to the Solicitor and the Grand Jury it may be taken for granted that the investigation will be hurried along with all possible speed.

Case in State's Hands.

“The case now is fully in the hands of the State,” said the Solicitor Friday morning. “It will not be presented to the Grand Jury Friday, but I shall endeavor to present it at the earliest possible moment. The instant that I have a complete case I shall bring it to the attention of the Grand Jury. It is my desire to bring the slayer of Mary Phagan to justice with the greatest dispatch. A great crime has been done and I am no less eager to see the guilt determined than the general public.”

It required the Coroner’s jury about twenty minutes to frame its formal verdict Thursday night. The jurors received a brief charge from Coroner Donehoo and filed from the Commissioners’ room in the police station at 6:08 o’clock. At 6:28 they were back with their verdict.

Coroner Donehoo admonished the jurors to be as ready to hold a person who they thought might be withholding information of the crime as to hold a person they regarded as the possible culprit. A person possessing knowledge of the crime and withholding it, he said, was an accessory after the fact.

An immediate hush fell on the packed room when the jurors returned. There was a dead silence except for the voice of Homer C. Ashford, foreman of the jury, when the verdict was read.

Girls Testify Against Frank.

The most damaging testimony against Frank in regard to his treatment of employees at his factory was saved until the last hours of the hearing. Girls and women were called to the stand to testify that they had been employed at the factory or had had occasion to go there, and that Frank had attempted familiarities with them.



Nellie Pettis

Nellie Pettis, of 9 Oliver Street, declared that Frank had made improper advances on her. She was asked if she ever had been employed at the pencil factory.

“No,” she answered.

Q. Do you know Leo Frank?—A. I have seen him once or twice.

Q. When and where did you see him?—A. In his office at the factory whenever I went to draw my sister-in-law’s pay.

Q. What did he say to you that might have been improper on any of these visits?—A. He didn’t exactly say—he made gestures. I went to get sister’s pay about four weeks ago and when I went into the office of Mr. Frank I asked for her. He told me I couldn’t see her unless “I saw him first.”

Says He Winked at Her.

"I told him I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'"

"I instantly told him I was a nice girl."

Here the witness stopped her statement. Coroner Donehoo asked her sharply:

"Didn't you say anything else?"

"Yes, I did! I told him to go to h—! and walked out of his office."

Thomas Blackstock, who said that he was employed at the factory about a year ago testified as follows:

Tells of Frank's Conduct.

Q. Do you know Leo M. Frank?—A. Yes.

Q. How long have you known him?—A. About six weeks.

Q. Did you ever observe his conduct toward female employees of the pencil factory?—A. Yes. I've often seen him picking on different girls.

Q. Name some.—A. I can't exactly recollect names.

Q. What was the conduct you noticed particularly?

The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls.

Q. See it often?—A. A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building.

Q. Can't you name just one girl?—A. Yes. Magnolia Kennedy.

Q. Did you see him act with undue familiarity toward her?—A. No. I heard talk about it.

Q. Before or after the murder?—A. Afterward.

“Girls Tried to Avoid Him.”

Q. When did you observe this misconduct of which you have told?—A. A year ago.

Q. Did you hear complaints around the plant?—A. No. The girls tried to avoid him.

Mrs. C. D. Donegan said she was connected with the pencil plant for three weeks. Her capacity was that of forelady. She resides at 165 West Fourteenth Street with her husband.

Her testimony follows:

“State your observations of Frank's conduct toward the girls and women of the plant.”

“I have noticed him smile and wink at the girls in the place. That was two years ago.”

“Did you make a statement to the detectives of undue familiarity you had witnessed?”

“I told them that I had seen Frank flirt with the girls and women—that was all I said.”

Charges Familiarities.

The testimony of Nellie Wood, a young girl of 8 Corput Street, came next.

In brief it was this:

Q. Do you know Leo Frank?—A. I worked for him two days.

Q. Did you observe any misconduct on his part?—A. Well, his actions didn't suit me. He'd come around and put his hands on me when such conduct was entirely uncalled for.

Q. Is that all he did?—A. No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn't let him. He got too familiar by getting so close to me. He also put his hands on me.

Q. Where did he put his hands?—A. He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking but I was too wary for such as that.

Quit His Employ.

Q. Did he try further familiarities?—A. Yes.

Q. When did this happen?—A. Two years ago.

Q. What did you tell him when you left his employ?—A. I just quit, telling him that it didn't suit me.

Frank's testimony was looked forward to with keen interest, but when he was called to the stand in the afternoon, he merely answered additional questions as to his movements on the day of the crime and failed to add materially to the evidence in hand.

He appeared pale and haggard from his imprisonment, but he replied to all of the questions clearly and showed no hesitation or apparent fear. He was asked:

Testimony of Frank.

Q. What kind of elevator door is there to the shaft in the pencil factory?—A. Sliding doors.

Q. How many?—A. One on each floor.

Q. Are they latticed or solid?—A. Solid.

Q. Where was the elevator at 12 o'clock Saturday?—A. I did not notice.

Q. Were the doors open or closed?—A. I don't remember.

Q. What protection would a person have from falling down the shaft if the doors were left open?—A. A bar which projects across the opening.

Q. After the crime was committed, where did the elevator stand?—A. I only know where it stood Sunday morning. It then was on the second floor.

Didn't File Time Tape.

Q. When you last removed the tape from the time clock, what did you do with it?—A. Handed it to an officer in the building.

Q. Did you put it on file?—A. No.

Q. Are you sure?—A. Yes, positive.

Q. Do you remember a party at your house on the night of April 26?—A. Yes.

Q. Can you name the guests?—A. I don't remember them all.

Q. When the police came to bring you down to the factory that Sunday morning, what was said about whisky?—A. I said I wanted something warm to drink. One of the detectives suggested whisky.

Q. What time was it?—A. Between 7:30 and 8 o'clock.

Says He Viewed Body.

Q. What did you say about dreaming?—A. I said to someone that I thought I had dreamed of hearing the telephone ring in the dead of night.

Q. When you went to the undertakers', did you go in the water closet instead of the room in which the body lay?—A. No.

Q. Did you view the body?—A. Yes.

Q. Did you recognize the girl?—A. Yes.

Q. When did you first hear her name?—A. I don't remember.

Q. What time did you return home that Sunday afternoon?—A. I don't recollect.

Q. Did you telephone your wife before your return?—A. Yes.

Q. Was the murder discussed at home that afternoon?—A. Not much.

Q. What topic was discussed?—A. I don't remember.

Often Does Not Remember.

Q. When did Quinn first mention to you his visit to the factory on the 26th?—A. I don't remember.

Q. What did he say?—A. He said, "Don't you recollect that I was at the factory Saturday about noon?"

Q. What did you tell him about withholding that information until your attorney had been consulted?—A. I don't remember. I had so many visitors that I couldn't recollect the exact words.

Q. Who suggested the conference with your attorney relative to Quinn's visit?—A. I don't remember.

Q. How long have you known you had counsel?—A. Since Monday.

Q. Why was it mentioned that Quinn's visit he kept quiet until consultation with your lawyer?—A. I don't remember.

Explains Locks and Doors.

Q. How can you lock the door between your office and the dressing room where the blood spots were found?—A. I have never seen it locked.

Q. Is it usually open or locked?—A. Closed.

Q. Is there any way of closing the doors on the back stairway?—A. Yes. They are locked.

Q. Describe your telephone conversation with Detective Starnes at the time you were informed of the tragedy?—A. He asked me if I was superintendent of the National Pencil Factory. "I'd like to

have you come down here at once," he said when I informed him that I was Leo Frank. He said he wanted me to identify a girl, and asked me if I knew Mary Phagan.

Q. Didn't you say that the first time you had heard her name was while you were traveling in the auto on the way to the factory Sunday morning?—A. I don't recollect that I did.

Q. Did you have any trouble with a girl in your office Saturday morning?—A. No. There was one incident where a mistake had been made in the pay envelope of Mattie Smith, but it was corrected without any trouble.

Tells of Callers at Office.

Q. What time was Mattie Smith in your office?—A. Between 9 and 10 a. m.

Q. Did any one enter while she was there?—A. I don't remember.

Q. Give the name of every one in the office throughout the day Saturday?—A. Mr. Darley, Mr. Holloway, the office boy, Miss Hall, the stenographer; Mr. Campbell, Mr. Fullerton, Mrs. White, Lemmie Quinn, Mr. Gantt, Emma Clark, another girl employee, Arthur White, Harry Denham, Newt Lee and Mary Phagan.

Q. Did you see May Barrett?—A. I don't know her.

Q. What did you say to Emma Clark?—A. I don't remember saying anything to her.

NO REAL SOLUTION OF PHAGAN SLAYING MYSTERY

**EVIDENCE AGAINST MEN NOW HELD IN BAFFLING CASE WEAK, SAYS OLD POLICE
REPORTER**

Atlanta Georgian

Sunday, May 11th, 1913



Solicitor Dorsey examining a witness

Detectives in Coroner's Jury Probe Admit They Have Nothing on Which to Convict Anyone in Mysterious Tragedy of Atlanta.

TESTIMONY BROUGHT OUT NO INCRIMINATING POINTS

BY AN OLD POLICE REPORTER.

The most sensational testimony offered at the Coroner's inquest in the Phagan case was lost sight of entirely by the newspapers.

Juror Langford asked Detective Black, who was on the witness stand: "Have you discovered any positive information as to who committed this murder?"

Detective Black replied, "No, sir, I have not!"

Coroner Donehoo asked Detective Scott of the Pinkerton force on the witness stand:

"Have you any definite information which makes you suspect any party of this crime?"

Detective Scott replied, "I would not commit myself. I am working on a chain of circumstances. Detective Black has been with me all the time on the case and he knows about the circumstances I refer to."

As you read this over and consider it carefully, you will be impressed by the fact that the two most important detectives engaged for a period of two weeks on the Phagan case testify under oath that they have no positive information as to who committed the crime—in fact really know nothing about it at all.

I am setting down here my own thoughts and ideas, without intending the slightest disrespect to any official, and further, I believe I am at liberty to do so because of Scott's and Black's testimony.

MYSTERY STILL WITHOUT SOLUTION.

In The Sunday American of last week I published an article saying that the developments of the preceding week had led nowhere, and that the mystery was then as dark and deep as any mystery that ever puzzled police and detectives.

I can only repeat this statement to-day. I am not in the confidence of any of the detectives, of Solicitor Dorsey, or of Coroner Donehoo, or any of the persons engaged in the attempt to unravel the crime.

I know what the average newspaper readers knows—no more, no less. I walk about the streets a great deal, I ride on the cars and met a great many people who talk about the terrible affair, and I believe I am right in saying that the consensus of opinion now is that the police and detectives are very far indeed from solving the mystery.

In making this statement I do not wish to be understood as casting reflections upon the police or detective force. The men engaged on the case are well-meaning, but of limited experience, and they may have made mistakes.

The infallible detective, like the indispensable man, does not exist.

All detectives are not "man catchers," and many detectives employ very stupid methods in their work. They can see the obvious things, but they lack imagination. Their minds work like a circular saw, and a knotty problem sometimes stops their minds from working entirely, just as a tangle of knots in a plank being sawed puts the saw out of business.

I pay my respects here to Coroner Donehoo in the way he has handled the case. His examinations of witnesses showed unusual intelligence. His questions were searching and he exhibited a zeal in the public welfare that must not be overlooked. But Coroner Donehoo is not a Sherlock Holmes. He performed his function under the law in a creditable manner. He really wasted hours in asking questions that might have been spared except that there was always a hope that a blind question might catch a witness off-guard and there would be an ensuing revelation.

What did the Coroner's inquiry develop?

Take first the case of Lee. The testimony against him is that he is the only person KNOWN to have been in the pencil factory, after 6:30 o'clock in the evening until the body was discovered.

Frank testified that he found three "skips" in the clock tape Lee should have punched.

Sergeant R. J. Brown testified that Lee could not have seen the body from the place the night watchman told him he first saw it.

Sergeant L. S. Dobbs testified that Lee, without suggestion from any one, said that the words "night witch" in one of the notes found near the body of the dead girl meant "night watchman."

F. M. Berry, assistant cashier at the Fourth National Bank, testified that the notes found near the body were in his opinion written by Lee.

Detectives told of finding a shirt with blood stains near the right shoulder in a barrel at the rear of Lee's house. The indications were that the shirt never had been worn, however.

TESTIMONY FAVORING LEE.

Testimony favoring Lee is that he was not alone in the building until after 6:30 o'clock, and that it can not reasonably be supposed that he would have been able to lure the girl to the factory by any means after this time, or even that the girl would have been alone in that vicinity at that time. There is no evidence to account for her whereabouts between 12:10 and 6:30 o'clock.

Lee's own testimony was that he did not know the girl and that he never saw her until he came upon the body in the basement of the factory shortly before 3 o'clock Sunday morning.

W. W. Rogers testified that Lee did not appear excited. Other officers who went to the factory Sunday morning corroborated this testimony.

These circumstances conflict with what is known of Lee's nature. The natural course for Lee, had he been the culprit, it is argued, would have been instant flight.

The framing of the notes to divert suspicion, according to the testimony of persons familiar with the negro nature, was too subtle a plan to suggest itself to Lee's mind.

What was developed against Frank?

The principal points brought out connecting him with the crime were:

He was the last person known to have seen Mary Phagan. By his own testimony, he saw her at 12:10 Saturday afternoon, April 26, when she appeared at the factory to get her pay. No one was able to swear she was seen after that time.

G. W. Epps, Jr., a boy friend of the Phagan girl, testified that Mary had told him Frank had waited at the door when she left the factory one day and winked at her and tried to flirt. Epps rode to town with her the day she went to the factory to get her money, and was to meet her again at 4 o'clock at Five Points. She did not appear, lending strength to the theory that she never left the factory after once going to get her pay.

FRANK'S CONDUCT WITH GIRLS.

Thomas Blackstock, a former employee, testified that he had seen Frank attempt liberties with girls in the factory.

Nellie Pettis, 9 Oliver Street, testified that Frank had made improper advances to her when she went to get her sister-in-law's pay at the factory. She said he pulled out a box of money from a drawer and looked at her and then the money and asked: "How about it?"

Mrs. C. D. Donegan, 165 West Fourteenth Street, said she had seen Frank smile and flirt with the girls in his employ.

Nellie Wood, 8 Corput Street, testified that Frank had attempted familiarities with her in his office, and had put his hands on her and had tried to persuade her to remain with him in his office.

Frank testified that he was at the factory Saturday afternoon from 12 to 1 o'clock and from 3 to 6:30 o'clock. Harry Denham, Arthur White and White's wife were in the factory part of the afternoon, the two men until 3:10. From 3:10 until 3:45 Frank was alone in the factory. Then Newt Lee came and was told by Frank to take the remainder of the afternoon off until 6 o'clock. From about 4 o'clock until 6, Frank again was alone in the factory, so far as the testimony showed.

Lee testified that the crime could not have been committed in the night without his knowledge, as he had gone past the lathe machine on the second floor, where the struggle is believed to have taken place, twice every half hour on his regular rounds.

Lee testified that Frank appeared greatly agitated when he met him at the door of the factory office just before 4 o'clock. He said that Frank seemed nervous and was rubbing his hands in an excited fashion.

J. M. Gantt, a former employee who happened to be in the factory at 6 o'clock, testified that Frank appeared nervous and apprehensive at this time.

UNABLE TO REACH FRANK AT 3.

Call Officer Anderson testified that he tried to telephone Frank at his home after the police had viewed the body at 3 o'clock Sunday morning, but that he could not get him.

W. W. Rogers, former county policeman, who carried the officers in his automobile to the scene of the murder and later to get Frank, testified that Frank, when he saw the officers, began to ask them if "anything had happened at the factory?" and if the night watchman had "found anything" when nothing had been told him at that time as to the tragedy.

Rogers said he saw Frank remove the time slip from the time clock which Lee had punched. Rogers said that there were no "skips" on it, but that it was punched regularly every half hour from 6:30 in the evening until 2:30 the next morning. It was shortly after 2:30 o'clock that Lee told the officers he had found the body. The time slip which later was turned over to Chief Lanford by Frank had three "skips" in it.

Lee testified that Frank had told him the Sunday the body was found that the clock was punched all right and later contradicted himself by saying there were three "skips" in it, and that it "looked queer."

Lee testified that Frank had told him in a private conference that "they would both go to hell" if Lee maintained his present attitude.

Harry Scott, Pinkerton detective, bore out Lee on this point.

I am inclined to classify this as negative testimony.

Frank is reached and held through a process of elimination.

Testimony pointing toward the innocence of Frank was that of Frank himself.

He said that he had not known Mary Phagan by name before her murder; that he recalled paying her at 12:10 Saturday afternoon, but that she left his office at once and he heard her footsteps dying away as though she had left the building. He said he remained at the factory until 1 o'clock in the afternoon and then went to his home for luncheon, returning about 3 o'clock. He said that he was entirely alone from 4 o'clock until 6, and that he arrived home at 7 in the evening, where he remained. He declared he knew nothing of the tragedy until the following morning. He said that he dreamed during the night that some one was ringing the telephone, but that he did not fully awaken. In this manner he explained his failure to answer the telephone.

Harry Denham, one of the men in the factory Saturday afternoon until 3:10 o'clock, testified that Frank did not appear nervous or agitated when he saw him.

F. M. Berry, assistant cashier of the Fourth National Bank, testified that the notes found by the side of Mary Phagan did not appear to be in the handwriting of Frank.

Lemmie Quinn testified that he was in the office of Frank Saturday afternoon between 12:15 and 12:30, and that he did not see Mary Phagan in the office or anywhere else in the building.

Mr. and Mrs. Emil Selig, Frank's parents-in-law, corroborated the story of Frank's movements during the day.

Quinn and other men in the factory testified that they never had seen Frank make any improper advances toward the girls, but that on the contrary he had been most courteous when he had any personal dealings with them, which was not frequently.

Miss Corinthia Hall, one of the employees, said she never had observed Frank attempt any liberties with any of the girls.

Herbert Schiff, chief clerk in the factory, testified that the work which Frank accomplished Saturday afternoon on the financial sheet would have taken any expert five or six hours.

EVIDENCE IS NOT CONVINCING.

I ask would YOU consider this very convincing in the case of either man?

I do not.

But after the Coroner's inquest the case assumes a new form. The whole matter now rests in the hands of Solicitor Dorsey. I have never met him. All that I heard about him is in his favor. But he has never shown any unusual skill as a detective. He knows criminal law, and he will proceed along the regular lines of bringing the whole matter to the attention of the Grand Jury, and indicting both Frank and Lee. Then will come the trial.

If Detectives Scott and Black are reported accurately in their testimony, as quoted at the beginning of this article, then the prosecution in my opinion has very little upon which to base a successful trial of either of the men now held for the crime. Lee came through the cross-questioning without any discredit at all. The points made against Frank are not of much importance. They may foreshadow something big. They were, of course, sufficient to warrant the Coroner's Jury in holding him for the Grand Jury.

An indictment by the Grand Jury does not mean that a person is guilty. Far from it.

CRIME SHOULD BE UNRAVELED.

I hope Solicitor Dorsey will be able to unravel the great mystery, and that he will have evidence enough to convince—not only a jury of twelve men, but the entire community as well, of the guilt or innocence of whatever persons, Frank, Lee or others who may yet be caught in the net, of the murder of the innocent little girl.

An indictment by the Grand Jury is a very important legal document. It must be air tight, and held together by such a strong chain of evidence that it can not be broken anywhere. It has to run the whole gauntlet of the law. An imperfect indictment falls of its own weight.

For the battle really begins—not before a Coroner's Jury, but in the court room, where the law and the facts have precedence over everything else.

When the prosecution in the Phagan case goes into court, it will be faced by one of the best lawyers in the South.

Luther Z. Rosser, big of frame, big of intellect, big in the knowledge of the law and schooled in all the intricacies of its machinery, will be at the opposing counsel's table, making a battle for his client, turning evidence with his shield from the lance of Mr. Dorsey, sifting every piece of evidence for the jury, challenging every inch of the law to the judge.

And I am told, that he is skillful with the use of the broad sword as he is deft with the rapier.

I am writing thus freely, for the reason that the two detectives, quoted at the beginning of this article, in their testimony gave me the right to discuss the matter in the columns of the newspapers as I am doing.

PRECEDENT HAS NOT YET BEEN VIOLATED.

This is no violation of precedent. It is not for the purpose of establishing the guilt or innocence of any person. It is solely because I am trying to set down what I believe to be the thoughts running through the minds of the average man and woman.

Frank and Lee may be guilty, but it would require a great deal more evidence than has been published in the newspapers to convince me of it.

It may be that Mr. Dorsey has a mass of evidence to present to the jury when it confronts the accused in open court, and overwhelm the defense with sensation after sensation and buttressed fact after buttressed fact.

I do not know whether this is so or not. I give my own opinion for what it is worth. What the detectives and police now have against Frank and Lee at this moment is apparently worthless.

Any day or any hour may bring forth new suspects and the real criminals.

I can not help but sympathize with Frank in being held as he is on the very slight evidence presented against him. At the moment, it would seem as though he were a victim of circumstance and that he would have to take the consequences that follow being the superintendent of the factory and the last person who is said to have seen Mary Phagan alive. And consequences, as George Eliot said, are un pitying.

FRANK'S PAST IN HIS FAVOR.

I said in my article in last Sunday's American that what is known of Frank's past is in his favor. I reiterate that. He is a college graduate, a man of culture, has traveled considerably, and stands well among his friends.

Public Opinion that first condemned Lee, then Frank, then both of them, then was ready summarily to dispose of them without waiting for the process of the law, is calmer to-day and anxious for the facts.

I do not mean by this that I believe Public Opinion would acquit Frank without a trial, for the belief prevails that not all of the evidence has been made public. But Public Opinion is willing to “play fair” and hear the facts.

I hope Solicitor Dorsey will continue his investigation while he is weaving his web around Frank and Lee. It may be that they are not guilty. It may be that some other person or persons committed the ghastly deed. It is worth while for our alert prosecutor to watch in all directions for the criminals.

And it may be well for our citizens to keep their minds open and receptive, not acquitting or condemning anybody, no matter of what color, race or creed, until all the facts are known.

We can afford to be patient—even with THE LAW.

The great professor Drummond once asked a little girl to a Glasgow Sunday school for a definition of patience. She replied: “To wait a-wheel, an dinna get weary, to keep yer mouth shut and yer eyes open!”

Inquest This Morning.

Atlanta Constitution

Wednesday, April 30th, 1913

Coroner Donehoo last night set the time for the inquest at this morning at 8:45 o'clock. It will be held in Bloomfield's undertaking establishment on South Pryor street. A thorough investigation will be made into the mystery. It will then be determined if the evidence at hand is sufficient to commit Frank and the negro watchman to higher courts.

Frank Not Apparently Nervous Say Last Men to Leave Factory

Atlanta Constitution

Thursday, May 1st, 1913

Following Mechanic Barrett's declaration that there were two men at work Saturday at noon on the top floor of the factory building, Coroner Donehoo ordered detectives to accompany the machinist to the plant and bring the two employees to police headquarters.

They were brought immediately into the inquest. Their names were given as Harry Denham and J. Arthur White. Denham was first placed on the stand. His examination began immediately upon arrival.

"Did you see the blood on the lathing machine?"

"I saw it Monday."

"Were you on that floor Saturday?"

"No. I was on the top floor."

"Did you see Frank at any time of the day?"

"Yes."

Asked When They Would Finish.

"Did he offer you holiday as the others had been given?"

"No. He came up to where we were working and asked us if we would be through by 1 o'clock."

"Did you ever know Mary Phagan?"

"I knew her only by sight."

"Did you see her Saturday?"

"No, I never left the top floor."

"Were you aware of everything which transpired in the building during the time you were within it?"

"No. A person could have come into the plant and we never would have known anything about it."

"How long have you worked with the pencil company?"

"Three years."

"Have you ever heard of couples going into the building at night?"

"No."

"Have you ever been in the partitioned room in Frank's office?"

"No."

Apparently Not Nervous.

"When Frank came to where you were working at 3 o'clock Saturday afternoon to tell you that you could quit, did he seem nervous or agitated?"

"Not that I noticed. He didn't come all the way. He came to the head of the steps and called to us."

"Did you go down with him?"

"No. He went down ahead of us."

"Was he in his office?"

"Yes. When I went down I borrowed \$2 from him."

“Where did you leave him?”

“Writing at his desk.”

“Was anyone else in the factory?”

“No one of whom I know, except Frank.”

“How many rooms are there in Frank’s office?”

“Only two—his and the stenographer’s.”

“Can you see any one in the private office from the stenographer’s room?”

“Yes, if you try to.”

“As you left the building Saturday afternoon, did you notice in Frank’s office any change from the customary state in the condition of furniture?”

“No.”

“Who uses the office beside Frank?”

“Mr. Darley, the assistant superintendent.”

Left Building for a While.

Arthur White’s story coincided with that told by Denham. He was examined mostly, though, along different lines.

“Who was in the building besides you, Denham and Frank?”

“My wife came up shortly after noon. Mr. Frank came to her and told her he was going to lock up and advised her to leave the building. He also asked us if we didn’t think we’d bet-told him we weren’t

through. When we told him we weren't through, he said for us to stay in the place until he returned, as he was going out on the street. He came back at 3:08 and we punched out at 3:10 o'clock."

"When did Frank leave?"

"He left right away."

"Do you know where he went?"

"No. He locked us in the building though."

"Is there a closet in Frank's office?"

"Yes, there is. A kind of wardrobe."

"Did it look big enough to hold a human body?"

"Yes. It was about nine feet high and four feet wide."

"Where was it located?"

"Behind the door of his private office."

"Was the door closed?"

"I didn't notice."

FRANK TRIED TO FLIRT WITH MURDERED GIRL SAYS HER BOY CHUM

Atlanta Constitution

Thursday May 1st 1913

Mary Phagan Was Growing Afraid of Advances Made to Her by Superintendent of the Factory, George W. Epps, 15 Years Old, Tells the Coroner's Jury.

BOY HAD ENGAGEMENT TO MEET HER SATURDAY BUT SHE DID NOT COME

Newt Lee, Night Watchman, on Stand Declared Frank Was Much Excited on Saturday Afternoon— Pearl Robinson Testifies for Arthur Mullinax—Two Mechanics Brought by Detectives to the Inquest.

LEO FRANK REFUSES TO DISCUSS EVIDENCE

When a Constitution reporter saw Leo M. Frank early this morning and told him of the testimony to the effect that he had annoyed Mary Phagan by an attempted flirtation, the prisoner said that he had not heard of this accusation before, but that he did not want to talk. He would neither affirm nor deny the negro's accusation that never before the night of the tragedy had Frank phoned to inquire if all was well at the factory, as he did on the night of the killing.

Evidence that Leo M. Frank, superintendent of the pencil factory in which the lifeless body of Mary Phagan was found, had tried to flirt with her, and that she was growing afraid of his advances, was submitted to the coroner's jury at the inquest yesterday afternoon, a short time before adjournment was taken until 4:30 o'clock today by George W. Epps, aged 15, a chum of the murdered victim.

George rode with Mary to the city Saturday morning an hour before she disappeared at noon. He testified late Wednesday afternoon that the girl had told him of attempts Leo Frank had made to flirt with her, and of apparent advances in which he was daily growing bolder.

"She said she was getting afraid," he told at the inquest. "She wanted me to come to the factory every afternoon in the future and escort her home. She didn't like the way Frank was acting toward her."

Waited Two Hours For Girl.

George had an engagement to meet the girl Saturday afternoon at 2 o'clock, he said. They were scheduled to watch the Memorial parade and tour the picture shows. He waited two hours for her. She had disappeared. The next known of her was when the lifeless form was found in the factory basement.

Frank was not present during the investigation but once. Detectives brought him before the jury for identification by E. S. Skipper, the man who saw the mysterious sextette of youths and girls Saturday night at Whitehall and Trinity. He remained but a moment.

Sensational developments were predicted shortly after the inquest was resumed at 2:15 o'clock, when Coroner Donehoo ordered detectives to bring to police headquarters the two mechanics who were in the factory building with Frank during the early part of Saturday afternoon.

They are Harry Denham and Arthur White, two youths who have been connected with the plant for several years. Detective Scott found them at work in the factory and escorted them to the inquest. They left the police station immediately after being examined.

A mystifying phase was added to the progress of the inquest when Edgar L. Sentell, a clerk in Kamper's grocery, declared positively that he had seen Mary Phagan with Arthur Mullinax at midnight Saturday as they crossed the corner of Hunter and Forsyth streets a few yards distant from the pencil factory.

Sentell had known the dead girl since early childhood. They were intimate friends, he said. Asserting that he had spoken to her, he stoutly maintained that she had answered his greeting.

J. L. Watkins, a neighbor to the home to which Mary lived, also testified that he had seen her Saturday afternoon when she crossed Ashby street at Bellwood. She presumably was on her way home, he stated.

George Epps is a bright, quick-witted chap and proved an eager witness. He was brought before the inquest following the examination of Pearl Robinson, the sweetheart of Arthur Mullinax, who testified in that youth's behalf.

"How old are you son?" was the first question asked him.

"Fifteen—going on sixteen," he answered with alacrity.

"Do you work or go to school?"

"I work at a furniture store. In the afternoon I sell papers."

His answers were clear and brief. He made a pleasing impression.

Lives Near Phagan Girl.

"How far do you live from 136 Lindsay street—the home of Mary Phagan?"

"Just around the block."

"Did you know Mary?"

"Yes, sir, I certainly did. We were good friends."

"When did you last see her alive?"

"Saturday morning, just before dinner when we came to town together on a street car.

"Did you arrange to meet her that afternoon?"

"Yes, sir. We were to have met at 2 o'clock in Elkin & Watson's drug store at Five Points. We were going to see the parade and go to the moving picture shows."

"How long did you wait for her when she failed to show up?"

"Until 4 o'clock in the afternoon. I stuck around two hours waiting for her. Then I had to go and sell my papers."

"Did you inquire for her?"

"Yes. I went to her house when I got through with my papers. She hadn't got back. The folks were looking for her."

"When you and Mary were riding to town, did you talk any?"

She Wanted Money Mighty Bad.

“We talked a whole lot. She said she was going to the pencil factory to draw the wages due her. She said she didn’t have but \$1.60 coming to her, but wanted that mighty bad.”

“How was she dressed?”

“She had on a blue dress and a dark blue hat. I remember that hat mighty well because I asked her why didn’t she buy a stylish lid? ‘Umph,’ she said, ‘I’m no stylish girl. I don’t need one.’”

“Did you both get on the car at the same time?”

“No. She was on first. When I got on she motioned for me to come and sit beside her. While we were coming to town she began talking about Mr. Frank. When she would leave the factory on some afternoons she said Frank would rush out in front of her and try to flirt with her as she passed.

She told me that he had often winked at her and tried to pay her attention. He would look hard and straight at her she said and then would smile. She called him Mr. Frank. It happened often she said.”

“How was the subject of Mr. Frank brought up?”

“She told me she wanted me to come down to the factory when she got off as often as I could to escort her home and kinder protect her.”

“When did you hear she was killed?”

“Sunday.”

Positive that he had seen Mary Phagan at midnight Saturday, Edgar L. Sentell offered to swear that it was the pretty victim whom he encountered with the suspected Mullinax at Forsyth and Hunter streets. He was the first witness during the afternoon session.

“I met Mary Phagan and Mullinax at Hunter and South Forsyth streets either between 11:30 and 12, or a little later. I am not positive which,” he stated.

"Were they standing together?" he was questioned.

"No. They were walking along."

"Are you confident you knew both Mullinax and Mary?"

"I knew Mullinax at the car barns. I had known Mary all my life. I was born and raised with her."

"When was the last time you saw her?"

"One week previous to Saturday night."

"Did you speak to her?"

"I did. I said, 'Hello, Mary.'"

"Did she reply?"

"She did. She said, 'Hello, Edgar.'"

"Were her parents accustomed to letting her go with boys?"

Amazed to See Her Uptown.

"No. They were not. It amazed me when I saw her uptown at such an hour with a man. She looked like she was tired and fagged out."

"What did she wear?"

"A light purple dress, black shoes and a light blue ribbon tied in her hair. She didn't have a hat. An umbrella was in her hand."

"Can you swear that it was Mary Phagan you saw?"

"I can and I will. I am swearing now that it was Mary Phagan I saw."

"Can you swear it was Mullinax?"

"I am not so positive about him. If it wasn't, it was his spit-and-image."

"Did you know Mullinax's name?"

"No. Not at that time. I had seen him so much around the car barns, though. I learned his name later."

"When did you first hear of Mary's murder?"

"Sunday morning on an English avenue trolley car."

"Who did you first tell?"

"Mrs. Coleman, her mother."

"Did the paper tell who was killed?"

Went to Mother Of Girl.

"No. I heard men at the car barn say the girl's name was Phagan. I immediately remembered seeing Mary at midnight. I went straight to Mrs. Coleman and learned that it was her daughter."

"Where did you work before becoming connected with your present employers?"

"I was in the navy."

"When did you leave?"

"April 18, 1913."

"How long had you been there?"

"Three months."

"Why did you leave?"

"Because of eye affliction. I couldn't read the targets on the rifle range."

"Is your eye sight ordinarily affected?"

"Not particularly so."

"Are you sure your eyes didn't fail you when you saw this girl Saturday at midnight?"

"I am positive they did not."

"Do you drink?"

"Occasionally. But I never get drunk."

"Were you drinking Saturday night?"

"Not a drop."

At this juncture the clothing worn by the murdered girl was held to the questioned man's gaze.

"Is this the dress she wore when you saw her Saturday night?"

"It is."



Scenes and Leading Figures in the Phagan Inquest



At the left top is Detective Black, of the city, and at the right Detective Scott, of the Pinkertons. Below is a scene at the inquest. At bottom is a sketch by Henderson of the negro, Newt Lee, whose straightforward story at the inquest has tended to lift suspicion from him.



Detectives Black and Scott; a scene from the inquest; and Newt Lee

Bloody Hairs Are Found.

The discovery of a dozen strands of bloody hair identified by her sister workers as that of the murdered girls was related by R. P. Barrett, a mechanic in the pencil plant who made the find.

He was placed upon the stand directly after it had been vacated by Policeman Lasseter.

“What is your employment?”

“I am a machinist with the National Pencil company.”

“How long have you been with them?”

“Seven weeks.”

“Did you know Mary Phagan?”

“Yes. She ran a nulling machine at the factory.

“When did you see her last?”

“Tuesday, one week ago. She didn’t work after that because of shortage of metal.”

“How far is her machine from the dressing room she used?”

“About six feet.”

“Was anything unusual found around the machine at which she worked?”

Spotches Of Blood.

“The girls at the factory told me Monday that Mary had been murdered. They were dim, and looked as the floor at the base of her machine. I found several dim, and looked as though whitewash had been spread over them. It looked as though the floor had been swept carefully.”

“Was anything else found on the floor?”

“Yes. Monday morning, I started to work upon a lathing machine nearby the nulling machine of Mary’s. My hands became tangled with long hair. I picked out a dozen strands or more. They were bloody. A number of the girls came and identified them as having come from Mary’s head.”

“Was Mary a quiet girl?”

“Exceptionally quiet, and a very well behaved one.”

“Did anyone pay, or attempt to pay, attention to her?”

“Not of my knowledge. No one did around the factory.”

“How large was the spot of blood you found near the machine at which she worked?”

“About six inches in diameter. There several smaller spots.”

“What floor?”

“Second.”

“How near the elevator?”

“At the extreme end—200 or more feet, I would judge, from the lift.”

Girls Afraid Of Frank.

“Did you ever know of familiarity which Frank tried with Mary?”

“No.”

Declaring that, in his opinion, both of the notes found beside the dead girl's body were written by the same person, F. M. Berry, assistant cashier of the Fourth National bank, and a handwriting expert, said that the script in the mysterious missives resembled only slightly that of the writing of the suspected watchman.

He took the stand at 3:30 p. m.

“What experience have you in distinguishing handwriting?”

“Only the experience that could be gained by my twenty-three years of service with the bank.”

The notes were shown him. He inspected them closely in the light of a window fronting Decatur street.

“Were they written by the same person?” he was asked.

“In my opinion, they were.”

Was Factory Used For Assination?

Berry, the factory mechanic, was recalled to the stand at 4:10 o'clock. Sensational evidence was gained from him relative to the usage of the factory building as an alleged place of assination for men and women.

“Did anybody work in the plant during a Saturday?” was the first question.

“No one of my direct knowledge. I heard, however, of two young employees who were at work on the top floor.”

“Do you know them?”

“Not their names.”

“Could you point them out to the detectives?”

“I could.”

“Then,” from Coroner Donehoo, “I will send a man after them. You go with him.”

“What is the usual pay hour of the factory?”

“At 12 noon on Saturdays.”

“Have you ever heard of the building used for immoral purposes?”

“Yes. Frequently. A Mr. Asbury Calloway, connected with the Scaboard offices near the factory building, has told me that he has often seen men and women and girls going in and out of the building at night.”

“Had you heard such rumors from the inside of the concern—by that is meant from attaches to the plant?”

“No.”

“Don’t you suspect that some of the girls of the factory have filled clandestine appointments in the building?”

“I don’t think so. I believe every girl in the place is straight—absolutely.”

Gantt Smiles During Quiz.

J. M. Gantt, the Marietta youth who is held as a suspect in the Phagan case, was put through a grueling examination. He never flinched through the ordeal, answered the questions promptly and concisely and smiled during the entire procedure.

He was put on the rack the moment his sweetheart, Pearl Robinson, had been excused. He remained under examination probably longer than any other witness except the negro, Newt Lee. The time was an hour.

“Did you know Mary Phagan?”

“I did. I had known her since she was a little tot.”

“Were you ever employed with the pencil factory?”

“I was—up until three weeks ago.”

“Why did you leave them?”

“I was discharged.”

"Why were you discharged?"

Alleged Shortage the Trouble.

"Because of personal differences with Mr. Frank, the superintendent.

"What were the differences?"

"Two dollars short in the pay roll."

"Were you in charge of the pay roll?"

"I was paymaster."

"Did you ever see Frank with Mary Phagan?"

"No."

"You always paid off the employees, did you not?"

"I did."

"How were they paid?"

"With the envelope method."

"Did you ever pay Mary Phagan?"

"Yes."

"What did she make?"

"Presumably \$4.05 a week, judging by the wage scale of the plant."

"When did you see her last?"

"The day I quit the pencil company."

"Had you seen her since?"

"No."

"Where did you go on Saturday?"

Went to the Factory.

"I went to the pencil factory about 6:30 o'clock that afternoon."

"Did you see Mr. Frank there?"

"Yes."

"Did he appear excited, agitated?"

"Yes. He seemed nervous."

"Did you ever hear Mary Phagan say she couldn't trust Frank—that she feared him in any manner?"

"No."

"How long were you in the building Saturday afternoon?"

"No longer than ten minutes."

"What did you do?"

"I got a pair of shoes I had left in the place when I quit. Also, I telephoned my sister, Mrs. F. C. Terrell what time I intended coming home that night. I used the phone in Mr. Frank's office."

"Then what did you do?"

"Went to the poolroom, watched several games of pool and went home."

"What time did you arrive home?"

"10:30 p. m."

"Were you there when the police came?"

"No."

"Did your sister tell of their visit?"

"No."

Shank Takes Stand.

Other testimony relative to the rumored immoral reputation of the factory building was gained from V. F. Shank, of Shank Bros., whose establishment is on Forsyth street, near the pencil plant.

Shank was called immediately after Barrett had left the stand.

"Do you work at night?"

"I do."

"Have you ever seen couples going into the pencil factory?"

"I have seen no couples. I have witnessed girls and men going singly into the place after dark."

"How long has it been since you've seen this?"

"Last summer some time."

"Did you make a statement recently of having seen girls enter the building?"

"I said a crowd of such sights I had seen. We were discussing the question of whether or not frolics were secretly held in the place."

Thought Girl Was Mary.

E. S. Skipper, of 224 1-2 Peters street, testified that he saw a sextet of men and women reeling drunkenly up Trinity avenue from Whitehall street Saturday night shortly before 11 o'clock. One of the girls, he said, answered the description of Mary Phagan.

"What did you see at Trinity and Whitehall?"

"Three men, two women and a girl dressed like and resembling the dead girl whom I saw at Bloomfield's. The girl was weeping and trying to break away from the party. She was being led up the street."

"Did either man answer the description of Frank?"

"I haven't seen Frank."

At this juncture the examination was stopped. Frank was brought down from the detectives quarters and put face to face with the witness.

"That's not the man," Skipper said.

"When you saw these drunken men and women leading a reluctant girl, didn't you think it your duty to call the police?"

"I see scenes like that on the streets every Saturday night."

Step-Father Tells of Grief.

J. W. Coleman, step-father of the murdered girl, told graphically of the grief in the little home on Lindsay street over the death when he took the stand at dusk.

"How old was Mary Phagan?"

“She would have been 14 next June.”

“When did you last see her alive?”

“Friday night. She was at home early and was helping her mother with the housework. I left for work too early to see her Saturday morning.”

“When you got home Saturday afternoon, was Mary there?”

“No. My wife came and said ‘Mary has not come home. What do you suppose is the trouble? I am scared to death.’ I couldn’t eat supper. Her absence affected me. Mary was never known to be away from home at night.

I came to town and visited all the picture shows staying until they all had closed. When I returned, my wife and I speculated on what could have become of the child. We never slept any that night. At daybreak Helen Ferguson, a girl chum of Mary’s came over.

The moment she rang the door bell my wife jumped from her seat. ‘Oh Lord, that’s bad news from Mary,’ she said. The Ferguson girl came in. ‘Mary has been murdered,’ she told us. My wife fainted and she has been almost unable to walk since.”

The coroner then adjourned the inquest until 4:30 o’ clock today.

Newt Lee Tells His Story During Morning Session

Atlanta Constitution

Thursday, May 1st, 1913



White and Denham, the mechanics who were working on the fourth floor

Was the man who first assaulted and then brutally killed Mary Phagan last Saturday night hiding in the basement of the National Pencil company when the watchman, Newt Lee, came down and discovered the girl's mutilated body early Sunday morning?

This is the question that rose to everyone's mind, following the testimony of the negro night watchman, at the coroner's inquest Wednesday. In direct contradiction to the evidence of every policeman who had been on the scene, the negro declared that he found the body, lying face up, with the head toward the wall. When the police arrived, the body was lying face down, with the head pointing toward the front of the building.

The most severe cross examination could not shake the negro. He stuck to his story, never seeming to waver for an instant. So convincing was his air that it became the general idea that the murderer must have been in the cellar at the time, waiting to burn the body of his victim. Lee's coming down into the cellar may have frightened him away.

He declared that when he reported for work at 4 o'clock on the afternoon before the tragedy, his employer told him to go home until 6 o'clock. Frank looked nervous and excited at the time, he said. He also said that Frank had called him up later in the night, to find if everything was all right, something that he had never done before.

What was thought earlier in the day to be damaging to the negro—his declaration that he was positive that it was the body of a white girl as soon as he saw it—was brushed aside when he explained that he saw the difference because of the hair, which was straight and brown; totally unlike that of a negress.

The same jury that was used by Coroner Donehoo Monday morning was reimpaneled at 9 o'clock Wednesday morning, when the inquest reconvened.

Inquest at Police Headquarters.

The inquest was held at police headquarters. W. F. Anderson, a call officer on the police force, who took the negro's message, when he reported the finding of the body, was the first to testify.

He described the body as he found it after the negro had led him and other officers to it. He stated specifically that the head pointed toward the front of the building and that the body was lying face down.

Minutely, he gave all of the grewsome details of the dead girl's appearance. He told how evident it had been that she had been in a struggle to the death, how her stocking was torn, her shoe missing and her whole face discolored by bruises and grime. So shocking was her state, he declared, that he did not know at first whether she was white or colored.

He said that her neck was knotted around with twine and a piece of cloth, evidently torn from her underskirt.

He declared that the staple that had been used to hold the door from the basement closed had been drawn.

Physician Does Questioning.

Dr. J. W. Hurt took up the questioning at this point.

“Could the negro have seen a body lying 20 or 30 feet away from where he was standing, by the light of the lantern that he carried?” he asked.

“He could not,” replied the policeman. “At the most he could have seen for 12 or 15 feet. His lantern was very old and dirty.”

Sergeant R. J. Brown, who also went to the scene of the crime, was next called before the jury. He corroborated the other policeman’s testimony, in regard to the impossibility for anyone to distinguish the race of the girl without the most minute examination. He also declared that the negro could have seen nothing, standing 25 feet away from the body. “It was very hard to see with our regular police flash lights,” he said, “ and the negro only had a very weak lamp. I am sure that he could not have seen anything at a distance of 25 feet.”

“This is nothing but a child,” he testified that he exclaimed when he first saw the body. He said that he could not tell her color until he rolled down one stocking and looked at the knee.

He went over the revolting details of the girl’s condition. His testimony did not conflict with his brother officers’ in any way, but he told of some matters which the other had failed to bring out.

He said that there was dirt in her mouth even. The negro nightwatchman had told him, he said, that he rarely came down in the cellar, but that he had a special reason for doing so on that night.

When he was questioned about the telephoning of the news to Superintendent Frank that the sergeant’s information became most damaging.

“We called up at once almost,” he testified, “but, although we told central that a girl had been murdered and that it was of the utmost importance that we get the number, we could not get in communication with Mr. Frank until much later in the day.”

Blood-Stained Garments Shown.

It was then that the most dramatic occurrence of the whole day took place. A one-piece purple silk dress, dirty and torn and blood-stained, and a gunmetal slipper, worn by Mary Phagan on the night of the murder, were shown to the jury.

Ben Phagan, the dead girl's sailor brother, rose from his seat and looked down on the little heap of clothes with eyes that tragically stared. For a moment he stood so, and then walked out, his head bowed, his hands over his eyes.

Upon being recalled, Officer Anderson testified that the body of the girl had still been warm when he came there and that blood was flowing from some of the wounds.

Police Sergeant L. S. Dobbs, who was next called, identified the notes that had been found by the girl's body. He declared that, after a minute examination, he had been able to say with authority that the body was that of a white girl. External appearances, he said, tended to show that the body had been dragged and thrown into the corner.

He said that after examining the body he turned to the negro watchman and accused him of having either committed the crime or of knowing something of it. The negro, he said, denied all knowledge of the affair.

Read Note to Negro.

He said that he then read him the note in which the girl is purported to have written: "Tall, black, thin negro did this. He will try to lay it on night—" The negro then replied, he declared, "That means me—the night watchman."

Other evidence simply corroborated the testimony of his brother officers.

Newt Lee, the negro night watchman, was called on the stand at 11:45 o' clock. He testified that Frank had especially instructed him to come to work two hours earlier than usual that Saturday, because of its being a holiday.

"Go out and have some more fun," Frank told him when he came to work at 4 o' clock, he declared. He explained that he made a round of the building every half-hour, only going to the basement when he had an unusual amount of time on his hands.

He said that Frank was still in the building when Gantt, a former bookkeeper, came to the door and asked to be allowed in to get an old pair of shoes that he had left inside. The negro declared that he had told Gantt that it was against the rules, but that he would ask his employer.

Frank Looked Frightened.

Lee declared that Frank looked frightened when he told him that Gantt was downstairs. He thought that this might have been caused by Frank's fear that the other, whom he had recently quarreled with and discharged, might "do him dirt."

He said that Gantt got the shoes, wrapped them up and made an engagement with someone over the telephone for 9 o'clock that night. The negro was unable to say who Gantt had talked to, but he said that it was a lady.

"How did you know?" he was asked. "By the name," he replied. He could not remember the name when further questioned, however.

He said that he saw Gantt leave, passing on down the street. He said that he did not know when Frank left, however. He explained the superintendent might have come back at any time, anyway, as he had a key.

He said that he went down into the basement at about 7 o'clock, after making a round of the building. He declared that the gas jet, which he had left burning when he left before, that morning, was not burning as brightly as before.

Frank Calls Up.

He said that shortly after this Frank called up to find if everything was all right. "It is as far as I know," he declared he answered.

He said Frank called before at night

When he declared that he had found the body lying with the face up, the coroner directly asked him, "Why did you turn it over?"

"I didn't," stoutly averred the negro.

He declared that he had punched the time clock every half-hour; that he himself had put in a fresh slip with Frank.

He said that when he first saw the body in the basement it had looked very vague in its outline, and that he thought that boys had put it there to frighten him. It was only when he saw the bloody face and straight hair, he said, that he recognized it as the body of a white woman. He then became frightened and called up the police.

He said that he had been told by employers on Sunday following his arrest that he had punched the clock regularly Saturday night.

He emphatically declared that his lantern had been cleaned Friday and that it was in good condition. He said that a negro fireman (Knollys) probably had a key to the back door of the building, kept open during the day.

Thinks He Saw Girl.

J. G. Spier, of Cartersville, testified that Saturday afternoon at about 4 o'clock he passed the factory and saw in front of it a 17-year-old girl and a man about 25 years old, both very much excited. He said that he came back nearly an hour later and noticed the same couple standing at the same place.

He said that he visited the body at Bloomfield's undertaking establishment and was sure that the dead girl was the same one that he saw Saturday afternoon. He said that Frank had the same "outline" as the man he saw, but would not identify him positively. Mr. Spier's testimony brought the morning session to a close.

Friends of L. M. Frank, superintendent of the National Pencil company, gave out yesterday for the first time their theory of how Mary Phagan came to her tragic death. They visited the scene of the crime, and, claiming that Frank has been unjustly held and questioned by the police, they are pointing out how the girl could have been robbed, assaulted and murdered without anyone connected with the factory knowing anything about it.

They point to the foot of the stairway by which the girl would have left the factory and show how easily a man could have hidden behind the railing, which is closely boarded up.

"The foul criminal," they state, "knew it was pay-day, and as it was Memorial day, the place would close early in the afternoon. He could have hidden at the foot of the stairway and when the girl came

down the steps with her money in her purse, seized her and thrown her into the hole which leads to the basement to the left of the elevator shaft. It could all have been done so swiftly by a strong-armed man that the girl would have had no time to make an outcry before she was insensible in the basement.

“Then the criminal could have quickly followed on the ladder that stood in the hole and led from the first floor to the basement. Down in the basement he had ample opportunity to carry out his hellish purposes. His exit was easy, as has been shown in the newspapers. No one could have heard or seen the crime committed who was passing in the street or who was on the second or third floors.”

“We are not advancing theories in the defense of Mr. Frank,” states S. S. Selig, who was among those who made an inspection of the factory Wednesday, “for he needs no defense. But the theory we advance is so plausible and fits so well into the clues that have been found that it is remarkable the officers have not worked along that line. The girl’s parasol was found at the foot of the ladder, where it could have fallen when she was thrown into the hole. That the purse and money were missing shows that there was robbery as well as assault and murder.”

Pretty Young Sweetheart Comes To the Aid of Arthur Mullinax

Atlanta Constitution

Thursday, May 1st, 1913

Pearl Robison, the pretty 16-year-old sweetheart of Arthur Mullinax, came nobly to his defense with testimony that corroborated that suspect’s alibi. She was placed on the stand late in the afternoon.

“Do you know Arthur Mullinax?”

“I am well acquainted with him.”

“Do you go with him?”

“Yes!”

“Were you with him Saturday?”

“Yes! At supper and to the theater.”

“What time did you get home?”

“About 10:30 o’clock.”

“Was he with you at that time?”

“He was.”

“Did he go in when you returned home?”

“No. He left for his home.”

“Did you know Mary Phagan?”

“I never saw her.”

“Had you ever heard of her?”

“Yes. A lot.”

“How?”

“She was a topic of neighborhood praise for her appearance in the Christmas performance in the Jefferson street church last year. She played the part of ‘Sleeping Beauty.’”

FRANK AND LEE HELD IN TOWER; OTHERS RELEASED

Atlanta Constitution

Friday, May 2nd, 1913



Young women employees of the National Pencil Company arrive at the police station to testify at the inquest

Grand Jury May Take Up Phagan Investigation Following Conference Between Dorsey, Beavers and Lanford.

MULLINAX AND GANTT ARE GIVEN FREEDOM

Coroner's Jury Will Resume Hearing on Monday, Following the Subpoenaing of 200 Witnesses.

Thomas B. Felder, member of the firm of Felder, Anderson, Dillon & Whitman, has been engaged to assist the solicitor general in the prosecution of the murderer of Mary Phagan. He was retained yesterday by a committee of citizens from the Bellwood community, in which the dead girl lived. The counsel fund has been subscribed by residents.

Mr. Felder said last night to a reporter for *The Constitution* that within a day or so he would be abundantly supplied with convincing evidence. He already has started private investigation, he said, but would not divulge its form. He would not discuss the rumor that the Burns detective agency had been employed.

A special session of the Fulton grand jury is expected to be called to take action in the Mary Phagan mystery.

Evidence of this probability was first noted yesterday afternoon, when Solicitor General Hugh M. Dorsey summoned Police Chief Beavers and Detective Chief Lanford to his office in the Thrower building.

Following a short conference, in which the solicitor informed both chiefs that he was willing and ready to co-operate with them, they returned to headquarters. They will consult with Mr. Dorsey again shortly. It will then be determined whether or not the grand jury will take a hand in the case.

The process of eliminating suspects is now being put into operation by the police. J. M. Gantt and Arthur Mullinax, who were arrested immediately after the negro watchman had been taken into custody, were released late Thursday afternoon.

Thirty minutes before they were given freedom, however, Coroner Donehoo issued warrants demanding to the Tower Leo Frank, the factory superintendent, and Newt Lee, the night watchman. They are held under suspicion, and will be detained until further investigation by the coroner's jury.

The inquest, which was postponed until 4:30 o'clock Thursday afternoon, was again adjourned. It will be resumed next Monday afternoon at 2 o'clock. It was at the request of Chief Beavers and Lanford that this action was taken.

More Than 200 Subpoenaed.

The largest number of witnesses ever summoned before an inquest in Georgian was subpoenaed by Coroner Donehoo Thursday morning, when he ordered every employee of the National Pencil factory to give testimony at the hearing. More than 200 men, women and girls came to police headquarters at 4 o'clock. They were [two words illegible] a body, after which all were excused until the Monday session.

Although it was thought at first that they had disclosed a clue which would give them a new lead upon which to turn their investigation, the detectives say they attach but little significance to a letter addressed to "Mary Phagan," which was brought to them yesterday morning by a street car conductor.

The letter was discovered a day or so ago on an English avenue trolley car, the one on which she rode to town shortly before noon of the day on which she disappeared. It was found under the seat

on which she sat. The sleuths would not divulge its contents. It was from a friend, was all the information they would give.

Police headquarters was not surprised when the coroner ordered Frank and the negro to jail. A large crowd had thronged the place since dawn. It had grown to tremendous proportions when the detaining warrants were issued. They were typewritten in Chief Beavers' office, and are as follows, excepting the changes of name for each individual writ.

"To the Jailer of Fulton County.

Greeting;

"You are hereby required to take into custody the person of (L. M. Frank, Newt Lee), suspected of the murder of Mary Phagan, and to retain the said (L. M. Frank, Newt Lee), in your custody pending the further investigation of the death of the said Mary Phagan, to be held by the coroner of said county.

"Herein fail not.

"(Signed) PAUL DONEHOO.

"Coroner.

"Given under my hand and official signature, this the first day of May, 1913."

Dorsey Explains Action.

"My only reason for calling Chief Beavers and Chief of Detectives Lanford into conference this morning was to ascertain what progress they had made in the Phagan case, and to see if I could assist them in any way. The idea that I brought them to my office to reprimand them for the lack of progress in the matter is absurd. I have no authority to take such an action."

The foregoing statement was made by Solicitor General Hugh M. Dorsey, immediately after a conference held in his private office behind locked doors, between him and the authorities, yesterday.

Although Mr. Dorsey did not confirm a rumor to the effect that the conference will result in the state taking the case in its own hand, should not immediate and telling results be shown by the police department in the case, the report was given added credence because of the renewed activity that has been shown in the investigation.

A short while after the conference the sixth arrest in the case was made. James Connolly, a negro sweeper, employed at the factory, was taken into custody. His arrest came as the direct result of detectives learning that he had been washing clothes at the factory.

The sweeper's explanation of this was satisfactory; however, little importance is attached to the affair. He declared that he had been summoned to appear at the inquest, and that he had been obliged to wash the shirt, as it was soiled and he had no clean one to wear.

Officials Called To Conference.

Relative to the conference with Solicitor Dorsey, Chief Beavers would have nothing to say last night. It has been his inexorable attitude throughout the entire investigation to say nothing. He will give no information whatever, and it is impossible to ascertain through him what progress the police have made.

Chief Lanford, however, told a reporter for The Constitution that he and the police chief had been called to the solicitor general's office to give Dorsey their views of the situation so that he could gain an insight into the progress that had thus far been made.

"He also stated his opinion," the detective chief said, "that the newspapers were publishing too much of the sensational case, and that, by some means or other, they were daily gaining information that was injurious to the work of the investigation.

"He seemed pleased with our progress. He denied the circulated report that he had denounced our methods and was disappointed in the lack of evidence we had gathered. We were assured of the support and co-operation of his office and of the grand jury. A special session, he said, would be called if necessary."

The chief also told that he and Chief Beavers would soon hold another conference with the solicitor, and that it would then be determined whether or not the grand jury should take action in the investigation.

It requires [two words illegible] for the two prisoners to be transferred from police headquarters to the Tower.

Transferred in Anton.

There they were put in automobiles, Beavers in charge of one and Black and Rosser in charge of the other. The van was made to the Tower in less than thirty seconds.

Frank who was first to arrive, darted through the jail door. The negro walked across the sidewalk, stopping before the barred doorway and [one word illegible] for the newspaper camera [one word illegible].

Frank and the watchman signed [two words illegible] papers and were [two words illegible] the jail proper.

They had hardly been assigned to [one word illegible] new prison, when Gantt and Mullinax were released from headquarters. All day, the mother and sister of the latter haunted the station. There was a cry of joy when he emerged from his cell. The mother threw her arms about his neck and wept hysterically.

Both Gantt and Mullinax left immediately for uptown. They will [one word illegible] in their respective homes.

Coroner Donehoo said late in the afternoon that his plan for summoning the employees of the pencil factory was to obtain possible evidence having direct bearing on the murder. It was not to ascertain conditions in the factory, as was rumored, or to procure testimony of Frank's character. It was to learn something definite of Mary Phagan as a working girl at the plant where she had been employed for more than one year.

The concern was shut down at 3 o'clock. It will be closed again next Monday. In their finest frocks and hats, the girls of the plant came to headquarters. The immense crowd of employees flooded the

building. There were not seats enough to provide for them in the court room, and they overflowed to the street. There, they mingled with the crowd of curious that had flocked to the scene.

Frank Given High Praise.

In regard to the arrest of Leo Frank in connection with the investigation of the Phagan murder, Milton Klein has furnished The Constitution with the following statement:

“Leo Frank, the superintendent and general manager of one of Atlanta’s largest and most promising industries, spends two hours in his office on a holiday after generously relieving the watchman during these hours. His habits are regular and industrious, and his life, while in Atlanta, is perfectly blameless in every respect. The terrible crime committed in his plant calls forth the closest scrutiny of Mr. Frank’s relations with his 200 workmen and women. Only the highest words of praise and confidence in his character are heard on all sides.

“I have worked with Mr. Frank for years in various charitable organizations and have ever found him the most polished of gentlemen, with the kindest of heart and the broadest of sympathy. To such an extent it is recognized among his fellow lodge men that we have honored him with the office of president, which is the highest rank in our organization. He is a liberal supporter of many worthy enterprises. But his greatest work has been among his own employees at his factory. The first to report in the morning and the last to leave at night, every day and holidays, he has labored to build up a factory that in spirit and efficiency is second to none south of the Mason and Dixon’s line.

“After the magnificent work he has done in his adopted home, shall we, without consideration, emphasize every bit of gossip which unjustly and groundlessly connects him with this awful tragedy? No one seeks more fervently to discover the real perpetrator of this atrocious crime than Mr. Frank.”

Deputy Asks for Calm.

Deputy Sheriff Plennie Miner makes the following plea for calm consideration of the Phagan case.

“While a crime of a most revolting nature has been committed in our midst, and our people are naturally excited and incensed over the deplorable affair, there are things that we need to consider coolly and carefully.

“Every possible effort is being put forth by the officers and the public generally to apprehend the guilty party or parties. Nothing is being left undone, no clue is being overlooked that would lead to a solution of the mysterious tragedy.

“But this is not a time for us to become too excited or too hasty in our efforts to ferret out the criminal. Above all things, and especially at this time it is absolutely necessary for us to keep perfectly cool, to work carefully and quietly, running down every possible clew with caution.

“I respectfully ask that the public be patient, refraining from criticism of the unceasing efforts on the part of the officers or private individuals who are working so generously and faithfully on the case. And I would as respectfully ask that the daily papers refrain from printing anything calculated to unduly inflame the public mind: and from using such headlines as are calculated to arouse undue indignation. And you may rest assured if faithful and persevering work counts for anything, justice will be done. I have known, during my several years of experience as an officer and in criminal cases, undue haste in matters of this kind, brought on by excitement and enthusiasm to produce a miscarriage of justice. But I have never known a cool and systematic investigation of a tragedy, backed up by an earnest public sentiment demanding the apprehension of the real perpetrator of a crime like this, to fall of attaining the desired end.”

SLEUTHS BELIEVE THEY CAN CONVICT PHAGAN MURDERER

Atlanta Constitution

Monday, May 5th, 1913

Detectives Are of Opinion They Have in Their Possession All Evidence That Is Needed by the Jury.

INFORMATION SECURED FROM MYSTERIOUS GIRL

Coroner's Jury Will Resume Inquest at 2 O'Clock This Afternoon — Factory Girls Will Be Witnesses.

Detectives working on the case of Mary Phagan, the 14-year-old murdered girl whose body was found in the basement of the National Pencil company at daybreak Sunday morning a week ago, believe that today they have in their possession evidence which will lead to the conviction of the

girl's murderer, according to the statement of Harry Scott the Pinkerton man on the case, Sunday afternoon.

So important in fact, do the detectives consider the new evidence declared Mr. Scott, that its nature will not be publicly disclosed even at the coroner's inquest which is resumed today.

No particulars would be given out except that the information came from a girl who has not heretofore figured even in speculation in the case.

Will Wait for Trial.

Mr. Scott went so far as to state that "the new card will not be played until the trial."

The reason given by the detectives for withholding whatever new evidence they may have from the hearing before the coroner on Monday is to prevent a repetition of 'planted evidence' or other ruses to break down its significance.

The detectives were busy running down clues all day Sunday, but stated that they found nothing of consequence except that of the mysterious evidence of the girl.

The coroner's jury will resume its investigations Monday afternoon at 2 o'clock at police barracks when some of the most important witnesses in the case will be placed upon the stand.

Newt Lee, the negro night watchman, will possibly be the first witness. He will once more be put through a grueling questioning with the hope that some light may be thrown upon the mystery.

Girls Will Testify.

Among other witnesses will be many of the girls and other employees at the pencil factory. About 200 employees have the subpoena as witnesses.

The new grand jury will be empanelled Monday and it is not improbable that the Phagan case will be placed in its hands on Tuesday.

Frank and Newt Lee were left practically alone in the Tower on Sunday, except for friends who called on Frank.

THIRD MAN BROUGHT INTO PHAGAN MYSTERY BY FRANK'S EVIDENCE

Atlanta Constitution

Tuesday, May 6th, 1913

Lemmie Quinn, Foreman of the Department in Which the Little Girl Worked, Was in His Office Just a Few Minutes After She Received Her Pay on the Day of the Murder, He Tells the Coroner's Jury at Inquest on Monday Afternoon.

LEO FRANK INNOCENT NEW WITNESS TELLS ATLANTA DETECTIVES

Quinn Declares That Officers Accused Him of Being Bribed to Come to the Aid of Superintendent — Frank Is on Stand for Four Hours Answering Coroner's Questions—Body of Mary Phagan Exhumed and Stomach Will Be Examined.

The Mary Phagan murder mystery assumed a new aspect yesterday afternoon, when Leo M. Frank, the suspected factory superintendent, introduced a third man in the baffling mystery, who the witness stated, called to see him after the girl had drawn her pay and departed.

Frank was testifying before the coroner's inquest when he startled his audience with the declaration that he was visited by Lemmie Quinn, a pencil plant foreman, less than 10 minutes after the girl of the tragedy had entered the building Saturday.

Quinn immediately was summoned before Chief Lanford and Harry Scott, of the Pinkertons. He corroborated Frank's story in detail. After being quizzed for an hour or more, he was permitted to return to his home at 31-B Pulliam street.

Foreman of Girls' Department.

Quinn was foreman of the department in which the victim worked. He had known her ever since she first was employed with the concern. A stormy scene is said to have ensued during the interrogation to which he was subjected at headquarters. To a reporter for The Constitution, he last night declared that Scott and Solicitor Dorsey charged him with having accepted a bribe from Frank's counsel for the story he was telling of the visit to the factory.

He says he retorted to the charge:

“Show me the man that says I took a bribe, and I’ll whip him on the spot.”

Quinn was seen last night by a reporter for The Constitution when he returned to his home from police headquarters. When asked if Frank’s statement were true, he said:

“Yes. It’s true. I left my house Saturday morning about 11:45 o’clock. On the way uptown, I stopped into Wolfsheimer’s and bought an order of fancy groceries. I stopped at another place and bought a cigar.

“Then I went to the factory. I wanted to see Frank and tell him ‘Howdy do.’ I knew he would be in the place. He is always there on Saturdays. It was about 12:15 or 12:20 when I arrived at the building. I saw no one in front or as I went upstairs to the office.

“Frank was at his desk. He appeared very busy. I stepped in and said: ‘Well, I see your work even on holidays. You can’t keep me from coming around the building on Saturdays either. How do you feel?’

“He said he was feeling good. He didn’t appear agitated or nervous. I didn’t want to disturb him, so I left. I wasn’t in the plant for more than 2 minutes. As I came downstairs on the way out, I saw someone in the rear of the first floor—a person whom I would have no grounds whatever to suspect.”

Won’t Tell Name Now.

“No! I won’t divulge his name. I’ll tell the detectives in time. I’m glad Frank told the coroner of my visit. It was I who refreshed his memory of the incident. He apparently had forgotten it. I have not been keeping it secret. I told the detective Saturday of the visit.

“I have known Mr. Frank for years, and I know he is not guilty.”

Frank’s story on the stand was to the effect that within ten minutes after Mary Phagan had departed with her pay envelope, Quinn, who is foreman of the tipping department, dropped into the superintendent’s office to say “Howdy do.”

"I had not thought of it until reminded of the incident," he told the jury. "My memory was refreshed. I recollected it clearly. This is the first time I have made it known."

The foreman, Frank stated, came into the building about 12:30 noon during Memorial day. "How do you do?" he is quoted with having said. "I see you work even on holidays. Well, you can't keep me away from the factory on off days either." He remained less than two minutes, according to Frank.

IN BUILDING ONLY 2 MINUTES

Quinn declared to The Constitution that he was in the building about two minutes. He said that he did not see Mary Phagan.

He is outraged at the treatment he alleges was accorded him by the detectives.

"They were insulting and seemed to doubt my statement," he said. "In an insinuating manner Chief Lanford plied the question: 'So you put yourself there about the time the Phagan girl left the factory, eh?'"

Quinn was an ardent admirer of the murdered child. He says she was one of his most industrious employees.

He is married and has one child. His connection with the National Pencil company dates back to several years. The reporter met him at his home just as he was returning from the visit to police headquarters. He was fatigued, and admitted that he was almost exhausted.

Called on Frank in Jail.

Declaring that he had made his visit to Frank on Memorial day known earlier than Monday, Quinn told the reporter that it was he who refreshed Frank's memory of his presence in the building shortly after noon of the day on which the girl is supposed to have been slain.

"I called upon Frank at the jail," he said. "The moment I reminded him of my visit, he recollected it. He apparently had forgotten it."

The foreman's wife expressed dislike for her husband to be connected in the mystery. She seemed to regret that Quinn's name had been mentioned at the inquest, merely because of the sensation it would incur.

"Now our name will be mixed in it, too," she lamented.

Mother Thanked Foreman.

A day or so after her daughter's tragic end, Mrs. J. W. Coleman called Quinn to her home on Lindsay street. She expressed the gratitude felt over the kindness and favors extended the dead girl by her foreman. Mary, she said, had often told her of how she liked Quinn, and of how pleasant it was to work under him.

When Quinn saw Mary's step-father and her mother, he told the reporter, he expressed his belief in the superintendent's innocence.

"I told them," he said, "that with all the sympathy I felt for Mary and her relatives, I could not believe Frank guilty. I have worked for nearly four years under him, and I do not believe he was trying to shift the burden of suspicion by dragging my name into the case.

"He has told the truth. It is impossible for him to go against facts. He is purely a victim of circumstantial evidence. Time will tell the story. They may do me an injustice by bringing me into the scandal, but I am doing it in the defense of a guiltless man.

I believe the detectives are bungling this case. Lanford told me Monday that, inasmuch as I had not talked before, he guessed he would have to hold me. I retorted that I would not be the only innocent man he would be holding in that event."

Body of Girl Is Exhumed.

Police headquarters and everyone concerned in the mystery were surprised Monday afternoon when it was learned that the body was exhumed in Marietta. The stomach has been placed in the charge of the state board of health and an analysis for traces of drug or "dope," which it is suspected to contain, will be made.

The reinterment was witnessed by only the coroner, Dr. John W. Hurt, country physician, and Dr. H. F. Harris, of the state board. Dr. Harris will perform the examination.

The inquest began fifty minutes later several days, it is stated. However, it is also said that Dr. Harris' report will be prepared in time to submit it before the Thursday afternoon session of the coroner's inquest.

The inquest began fifty minutes later than the time for which it was scheduled. This was due to Coroner Donehoo's lateness in returning from the grave at Marietta. Police headquarters was thronged with a crowd of merely curious men, women and boys. Extra squads of police were necessary to handle the immense crowd.

FRANK FIRST WITNESS

Frank was the first witness. He was followed by his father and mother-in-law, Mr. and Mrs. Emil Selig, with whom he lives at 68 East Georgia avenue.

Factory Employees Are Excused.

About midway of the inquest, Coroner Donehoo excused the pencil factory employees who were waiting to be examined. They were released, however, subject to summons, and will be called back next Thursday. More than 200 of these witnesses appeared at police headquarters. A large majority were women and girls.

Frank and the negro, Newt Lee, were brought together from the Tower in Chief Beavers' automobile. When they were ushered into the inquest room, the coroner ordered Lee returned to the Tower until he was called. Frank took the stand at 2:30. He was released at 6:15. No one but the coroner plied questions.

Leo Frank On Stand.

The first questions to Frank were the customary formal queries relating to his occupation, age and address.

His statement and the questions he answered are as follows:

"What is your connection with the pencil company?"

“General superintendent.”

“How long have you occupied that position?”

“Since 1908.”

“In what business were you prior to that time?”

“I was abroad, buying machinery for the National Pencil company.”

“Have you lived in Atlanta all your life?”

“No.”

“Where did you reside before moving here?”

“In Brooklyn, N. Y.”

“Were you ever married before?”

“No—only once.”

“What was your Brooklyn address?”

“152 Underhill avenue.”

His Work In Brooklyn

“What business were you in there?”

“I was with the National Meter company.”

“When did you leave Brooklyn?”

“In 1907.”

"What are your duties with the National Pencil company?"

"Look after the production and filling of orders and the purchase of machinery. In short, I have general supervision of the plant."

"What time of the morning did you get up on April 26?"

"About 7 o'clock."

"Was anyone with you beside your wife?"

"My mother and father-in-law."

"Have you any children?"

"No."

"Does anyone else live on the place at which you reside?"

"A negro washerwoman and servant."

"What time did you leave the house on the morning of April 26?"

"Eight o'clock."

"Who did you see?"

"Minola, the servant girl, and my wife."

"Did you see Mr. and Mrs. Selig, your parents-in-law?"

"I don't remember."

"How did you leave the house?"

“Caught a trolley car. Got to the factory about 8:20, I presume.”

When He Reached Factory.

“Did you talk to anyone on the car?”

“I don’t remember.”

“Who was at the factory upon your arrival?”

“Hollway, the day watchman, and the office boy, Alonzo Mann.”

“Was the door locked?”

“No.”

“Who was in your office?”

“The office boy.”

“Did you see anyone else?”

“No.”

“How long was it before anyone came into your office?”

“About thirty minutes.”

“Who was it?”

“Several men for their pay envelopes.”

“Was Saturday, April 26, a whole or half holiday?”

“Whole holiday.”

"Were there others calling for their pay envelopes?"

"Yes. A girl named Mattie Smith came in shortly afterward."

Frank Waited On Girl.

"Did you personally wait on them?"

"Yes."

"Was there anyone else in the office?"

"Not that I knew of."

"Who occupies the office with you?"

"The chief clerk, Herbert Schiff."

"Was Schiff in the office at the time you paid Mattie Smith and those who preceded her?"

"No."

"Who occupies the outer office adjoining yours?"

"The stenographer and office boy."

"Was anyone in this office at the time?"

"Not that I knew of."

"Who is your stenographer?"

"Miss Eubanks."

"How long was it before anyone else came in?"

"Anywhere from a half hour to forty minutes. M. B. Darley, Wade Campbell and a Mr. Fullerton. They arrived about 9 o'clock."

How Frank Spent Morning.

"Tell what you did during that part of the morning which followed 9 o'clock."

"I went over the mail, business papers and later to the offices of the manager, Mr. Selig."

"What time did you go there?"

"About 10 o'clock."

"Did anyone go with you?"

"No. I went alone."

"What did you do prior to 10 o'clock.."

(This question was a repeater.)

"Various office duties, as I have already told."

"Did you talk to anyone?"

"Yes. To Mr. Darley and Mr. Campbell."

"Anyone else?"

"Not that I remember."

"Did you touch the financial sheet of your concern?"

"No."

"Can you recall anything else you did?"

"No."

"Where did you say you went at 10 o'clock?"

"To the office of Sig Montag, the manager, at 20 Nelson street."

"Do you remember the particular papers you handled?"

"Not exactly. A note, though, I recollect, was one 'Rush Panama assortment boxes.'"

"What do you usually do in the morning?"

"Get up various papers over the desk and straighten out the work of my stenographer."

"Did you speak to Hollway, the watchman?"

"Yes. But I only said 'Good morning.'"

"Do you wear the same clothes at the factory which you wear at home?"

"Yes."

"Did you remove your clothes when you reached the factory?"

"Only my coat. I exchanged it for one I wear at the office."

No Personal Mail.

"Did you have any personal mail?"

"No."

"Do you keep papers of value in the safe?"

“Yes.”

“Where is the safe?”

“In the outer office—the one adjoining my private office.”

“Can you recall the first paper you looked over?”

“No.”

“Who is your shipping clerk?”

“A Mr. Irby.”

“How long did you sit at your desk after your arrival in the morning?”

“I don’t know.”

“Did you intend going to the ball game?”

“Yes; until Saturday morning.”

“Did you work on the house order book?”

“Yes, but not until I got back from the office of the manager—No, I forgot. I did not work on it at all. Montag’s stenographer did it.”

“Who was in the office when you left for Montag’s?”

“Several persons—about six or eight in all.”

“How long were you at Montag’s?”

“Until 11 o’clock, I believe.”

“Did you telephone Miss Hall, Montag’s stenographer, that you wouldn’t need her at the pencil factory, and that she needn’t come?”

No, She Phoned Me.

“No. She telephoned me. I told her she need not come, as I did not need her.”

“When you departed for Montag’s, you’re sure you went alone?”

“Positive.”

“Didn’t Mr. Darley walk to Cruickshank’s at Alabama and Forsyth, to get a drink with you?”

“No. He did not.”

“Who was at the office when you returned?”

“Miss Hall, Montag’s stenographer, and the office boy.”

“How old is the office boy?”

“About 15 years, I presume.”

“Does he wear long or short trousers?”

“Short trousers.”

“What did you do upon returning?”

“Assorted papers and letters for about ten minutes.”

“What did you do while Miss Hall entered the orders you had given her, as you say?”

“I don’t remember, except that I was working at my desk.”

"Is your office work systematized?"

"Yes, excepting on times during which I have no special plans. Then, I take up the most important and pressing business."

"What else did you do?"

"I don't remember precisely. I was at work all morning and afternoon."

"Were you out of the office at all while Miss Hall was in the building?"

"No."

"How long was she occupied with the orders?"

"About thirty minutes."

"When she finished the orders, what did you do with them?"

"I put them on my desk."

"What time did she finish and leave?"

Miss Hall Leaves Factory.

"About 12 o'clock. I recollect the time, because I heard the noon whistle blowing. She and the office boy left together."

"Did you see any outsider in the building when you got back from Montag's?"

"No, I think not."

"What did you do when the stenographer and office boy left?"

"Started to work on the orders."

"Were you entirely alone?"

"So far as I knew."

"Do you know of anyone else who came in?"

"Yes. A little after 12 o'clock the little girl that was killed came into my office."

"Where were you?"

"At my desk in the inner office."

"How did she announce herself?"

"I looked up when I heard her footsteps. I think she said she wanted her pay envelope. I asked her number, and she gave it to me. I gave her the envelope with her number stamped on it."

"What was her number?"

"I don't remember."

"Have you ever looked up that number?"

"Yes, but I don't recollect it."

"When you gave her the pay envelope what did she do?"

Has the Metal Come Yet?

"Walked out into the outer office, stopped and called back: 'Mr. Frank, has the metal come yet?'"

"Did you make entry of her payment?"

"No."

"Did she call back about the metal as though in after thought?"

"Yes. It was natural. She hadn't worked since Monday because of the lack of metal."

"What was the amount in her envelope?"

"One dollar and twenty cents."

"Do you remember in what denomination it was given her?"

"No. I don't."

"She disturbed you in your work, did she not?"

"Yes."

"How did you know she was gone?"

"As she went down stairs I heard her footfalls dying away. I also heard another voice. It was vague, but like a girl's or woman's. It seemed as though it came from the Forsyth street entrance."

"Did you know her name?"

"No."

"Do you remember how she was dressed?"

"No. I only looked at her from over the side of my desk."

"Was her dress dark or light?"

"What little I saw appeared light."

"How was her hair arranged?"

"I don't remember."

Did Not See Them.

"How about the color of her shoes and stockings?"

"I didn't see them."

"Did you see a parasol, purse or handkerchief?"

"No. I didn't notice."

"How long did it take for you to give her the envelope?"

"About two minutes. Not longer."

"How did you identify the number on her envelope?"

"She called it out."

"Is that the only means of identification you employ?"

"Yes, except the name is written on the envelope, I think, I'm not sure."

"Did you hear anyone else in the building at the time Mary Phagan was present?"

"Nothing but the voice downstairs as she went down the steps."

"How long were you at the office after she had departed?"

"I stayed there."

"Did anything else happen?"

“Yes; within five to ten minutes after the Phagan girl had left an employee named Lemmie Quinn, foreman of the tipping department, came into my office. He said: ‘I see you’re busy, but you can’t keep me away even on holidays.’ He stayed only a short time. This is the first time I recollected the incident.”

“What were you doing then?”

Where Did Quinn Go?

“Copying orders. It was about 12:35 o’clock, ten minutes after Mary Phagan had left.”

“Where did Quinn go?”

“I don’t know.”

“Had the metal come when Mary Phagan was in your office?”

“No. I don’t think it has come even yet.”

“How does it come to the plant?”

“By drayman.”

“Would you know if it had arrived?”

“Yes; I certainly would.”

“Where is it put—in what part of the building?”

“In the rear of the office floor.”

“Did you send Mary Phagan back to see if the metal had come?”

“No, I did not.”

“Now, tell the jury once more of Mary Phagan’s visit.”

(The witness was required to repeat the story of the girl’s appearance in his office at 12 o’clock to procure her pay envelope. The recital was without variance from the original statement.)

“How did you fix the time? You say it was about 5 minutes after 12?”

“It seemed that late.”

“Were you out of the office from the time the noon whistles blew until Quinn came in?”

“No.”

“How long had Mary Phagan worked at the pencil factory?”

“I don’t know; I really don’t.”

“Was she in Quinn’s department?”

“Yes.”

“Was she under him—was he her boss?”

“Yes.”

Was Not in Overalls.

“How was Quinn dressed?”

“I think he wore a straw hat?”

“Does he wear different clothes in the factory to what he wears at home and on the street?”

“I presume so. He was not in his overalls Saturday.”

"Has he access to the entire factory building?"

"Yes."

"How old is he?"

"About twenty-five years, I would judge."

"Is he married?"

"Yes."

"How long has he been with the pencil company?"

"About four years, I understand."

"What time did you finish work Saturday afternoon?"

"About 1 o'clock."

"You are sure, now that you had not left the office from the time Miss Hall, the stenographer, had departed until you started away for lunch?"

Only Time I Left.

"I am positive. The only time I left was when I went upstairs to tell the two mechanics and the wife of one who were on the top floor, that I was ready to go and would have to lock up the building. I came back downstairs and picked up my coat."

"How did you know they were upstairs?"

"The day watchman had told me."

"How long did you stay there?"

"No longer than two minutes."

"What time did you leave the place?"

"A trifle after 1 o'clock."

"Doesn't the day watchman usually stay at the plant until the arrival of the night watchman?"

"Yes, except on Saturday afternoons, when we close down for half holiday."

"Do you know Walter Fry?"

"Yes. He's a negro, the oldest employee in the factory."

"Who pays him off?"

"The chief clerk, Mr. Schiff."

"What did he do there Saturday?"

"I didn't see him."

Duties of Fry.

"Was Fry away from work upon your authority?"

"No."

"What are his duties?"

"He sweeps and cleans glue from the floors on the glue room."

"What time is he supposed to do this?"

"In the afternoons."

"When you left the building, where did you go?"

"I went up Forsyth street to Alabama, up Alabama to Broad, where I caught a street car home."

"Where did you get off?"

"At Georgia avenue on Washington street. I went directly home, arriving there about 1:20 o'clock."

"How long were you at home?"

"Well, I ate dinner in about twenty minutes."

"Was there any interruption to the meal?"

"No."

"What did you do upon finishing?"

"I think I smoked a cigarette and lay down for a short nap."

"What time did you wake?"

"I didn't go good to sleep."

"Have you been working strenuously?"

"I had been concentrating my mind on the work at the office. It was rather fatiguing, I'll admit."

"What time did you leave your home?"

"About 1:50 o'clock."

"Where did you go?"

"To Washington street and Georgia avenue. I met a cousin, Jerome Michael, and talked with him until the 2 o'clock hour came."

"Did you meet anyone whom you knew on the car?"

"Yes, another cousin, Cohen Loeb."

"Where did you get off?"

"At the corner of Washington and Hunter street. The cars were blocked by the memorial parade."

"Did you see anyone you knew?"

Watched Part of Parade.

"No. I walked to Hunter and Whitehall streets and watched part of the parade. Then, I walked to Rich's store where I passed Miss Rebecca Carson, one of our foreladies. Then, I went to Brown and Allen's, at the corner of Whitehall and Alabama streets and across to Jacob's, where I bought four cigars and a pack of cigarettes."

"Do you customarily smoke cigars or cigarettes?"

"Cigars, usually."

"What did you do upon leaving Jacob's?"

"Went straight to the pencil factory."

"What time was it that you arrived there?"

"About 2:50 o'clock."

"Did you unlock the door?"

"Yes. I unlocked the outer and inner doors, relocked the outer door and left the inner door open."

"When you passed the clock in front of your office, what time was it?"

"I didn't notice. It must have been about 3 o'clock. I pulled off my coat and went upstairs to tell the mechanics that I had returned. They already were preparing to leave."

Then Mechanics Leave.

"How long was it before they came downstairs?"

"Only a few minutes. They entered my office about five minutes after 3 o'clock."

"How long before you went downstairs?"

"Three minutes, or four—maybe five. I went down to lock the door."

"You were left alone in the building?"

"So far as I knew."

"What did you do?"

"Worked on the books."

"When you went to lock the door, did you see the girl?"

"No."

"How long did you work on the books?"

"Until about 4 o'clock, or 4:15. I had gone to wash my hands when the night watchman came."

"Why were you washing your hands?"

"It's awfully dirty in the building."

"You went out and washed your hands upon beginning work, too, didn't you?"

"Yes."

Negro Has a Pass Key.

"How did the negro watchman get in?"

"He has a pass key."

"How frequently do you wash your hands?"

"Whenever they get dirty."

"What did you say to the watchman?"

"I said: 'Howdy, Lee. I didn't go to the baseball game. I'm sorry I put you to this trouble. You may go out on the street and enjoy yourself for an hour and a half. Be sure and be back within that time, though.'"

"Had you told him to come at 4 o'clock?"

"Yes. Friday I told him I wanted to go to the ball game."

"When did you actually finish working on your books?"

"About 5:30 o'clock."

"Your work occupied your whole time."

"It did."

"You saw no one but Lee?"

"No one else."

"Heard no noises in the building?"

"None."

Couldn't Go to Game.

"Who were you intending going to the ball game with?"

"My brother-in-law, Mr. Hirzenbach."

"When did you tell him you could not go?"

"I tried to get him at noon Saturday, but failed."

"Did you notify him at all?"

"No."

"Did you go downstairs after 4 o'clock?"

"No."

"What were you doing when Lee came in?"

"Fixing the time-clock slips."

"Were you at the factory Monday?"

"No."

"When Lee came in, was it light or dark?"

"It wasn't light. Two lights were burning near the time clock."

"Did you wash your hands then?"

"I think so."

"Did you and Lee go out together?"

"No. He went first."

Factory Employees Excused.

At this juncture of the examination the 200 or more factory employees who were summoned to the inquest by Coroner Donehoo were notified that they were excused for the day, but were subject to further summons. They had been sitting in the assembly hall. It was later than 4 o'clock when they left police headquarters.

"What time did he get downstairs?"

"Shortly after 6 o'clock."

"Did you follow him?"

"Yes; I went downstairs to lock the door."

"What did you see, if anything?"

"I saw Newt Lee talking to J. M. Gantt, a former employee of the pencil factory. Lee said: 'Mr. Gantt wants to get his shoes.' I asked him what shoes. Gantt said either black or tan, I forget which color. He saw that I didn't like the idea of letting him in the building. He said, 'You can go with me, or let the watchman go.' 'Lee can go,' I told him. They went in together, Lee locking the door behind him."

"What did you then do?"

"I went down Alabama street to Whitehall to Jacobs' where I bought a drink and box of candy."

"Did you talk with anyone there?"

“Yes. I held a short conversation with the young lady at the candy counter. Following that, I went directly home, arriving there about 6:35 o’clock.”

Went to His Home.

“Who was at home?”

“My father-in-law and Minola, the negro servant.”

“How long before your wife arrived?”

“She came about 6:30 o’clock.”

“Were you inside your home at the time she returned?”

“Yes.”

“What were you doing?”

“Telephoning.”

“Telephoning who?”

“The night watchman at the factory.”

“What time was that?”

“Six-thirty o’clock.”

“What was your conversation with the watchman?”

“I couldn’t get him.”

“Why did you call?”

"To see if Mr. Gantt had left the plant."

"Have you and Mr. Gantt ever suffered personal differences?"

"No. I discharged him for gross carelessness. I had heard that he said I had not treated him right."

"How long before you called again?"

"Seven-thirty o'clock—I mean 7."

"What did you do in the meantime?"

"Ate supper."

"What did you say over the phone to Lee?"

"I asked if Gantt had gone and if everything was all right at the factory. He said, 'yes.'"

"Did you fear physical violence from Gantt?"

Looked Big and Dangerous.

"I can't say, exactly. He looked mighty big and dangerous when I saw him. He impresses me as a kind I'd like to have somebody with whenever I run up against him."

"What did you do after supper?"

"We discussed the opera which my wife had attended Saturday afternoon, and I smoked and read until 9:30 o'clock. Later, about 10:30 to be explicit, I went up and took a bath."

"Did you leave the house?"

"No."

"How long were you in the bath?"

“Until 11:30 o’clock.”

“When did you go to bed?”

“Immediately after taking the bath.”

“When did you wake the next morning?”

“About 7:30 o’clock.”

“What did you do?”

“Answered the telephone. It wakened me.”

“How were you dressed?”

“In my nightgown and bathrobe.”

“Was anyone else up at that time?”

“No.”

“What was the message you received over the telephone?”

“It was from Detective Starnes. He said he wanted me to identify someone at the pencil factory—that there had been a tragedy. I started to dress.”

“How long did it take you to dress?”

Then Detectives Come.

“I don’t know. I went at it hurriedly, though. I told my wife to meet Starnes at the door when he arrived—No! I went down myself. He came in an automobile with Detective Black and a man named Rogers—Boots Rogers. I had no more than got into my top shirt and sox when they arrived.”

“Who spoke first—you or they?”

“I don’t remember. I dressed and jumped into the machine. We went to Bloomfield’s, the undertaker, and I went in and saw the ‘poor little thing.’ I said: ‘That is the girl I paid off yesterday afternoon.’”

“Describe her, will you?”

“She was bruised and cut about the face—a horrible sight. I saw a piece of wrapping cord around her throat and a strip of cloth.”

“In what department in the pencil factory is used the cord that was around her throat?”

“On the second floor for bundling pencils.”

“Is any used on the office floor?”

“Yes. Some.”

“How long were you at the undertakers?”

“Only a few minutes.”

“What did you do upon leaving?”

“Went immediately to the factory building.”

Went to the Basement.

“To which part of the building did you first go?”

“The basement with Mr. Darley, who arrived at the same time I did, and the detectives.”

“What time did you remove the tape from the watchman’s clock?”

“I don’t remember.”

"Did you examine the back door?"

"Yes, upon being told that it had been open."

"Was it a part of the night watchman's duty to go into the basement?"

"Yes."

"How far was he supposed to go?"

"To the dust pan, which is situated only a few feet from the back door."

"Were you aware that the building—or some parts of it—had been used for assignation?"

"No."

"How often have you been in the basement since your connection with the plant?"

"Not more than a dozen times."

"How was the clock tape when you removed it?"

Clock Was in Error.

"I thought at the time that it was correct but, upon further thought, I have concluded that it was punched inaccurately during Saturday night and Sunday morning."

"How many misses did it contain?"

"Three, I think."

"Why was one tape stamped and the other penciled?"

"It was a mere coincidence, I penciled one because it would have been impossible to apply the stamp."

“Did you go over the factory premises on an inspection tour with the detectives?”

“Yes.”

“Did you go to the dressing room used by Mary Phagan?”

“Yes.”

“Did you see anything unusual in it?”

“No, not that I noticed.”

“How long were you in the building at that time?”

“I don’t remember.”

“Where did you go upon leaving?”

Went to Police Station.

“I went with the detectives in the automobile that carried the watchman to police headquarters. I talked with Chief Lanford and offered him all the assistance I could possibly give in running down the murderer. I told him I was naturally interested in the case, and that I would give most anything to find the girl’s slayer. Then, I walked uptown with Mr. Darley.”

“What suit did you wear Sunday?”

“A blue one.”

“What kind of suit on Saturday?”

“A brown one—the one I am wearing at present.”

“Can you run the elevator in the plant?”

"Yes, but I don't make a practice of operating it."

"Have you ever called up the office at night before you telephoned last Saturday night?"

"Yes, several times."

"Had you ever let Lee go away before as you let him go last Saturday?"

"No. That happened to be the first whole holiday during the time he has been at work."

"Were you nervous and agitated when you saw Gantt Saturday afternoon?"

"No."

"When did you first see the notes found beside the dead girl's body?"

About the Two Letters.

"In Chief Lanford's office Tuesday, when Detective Starnes dictated them for me to copy."

"When you began them, was the first letter a capital or small letter?"

"I don't recollect."

"Did you recognize the handwriting on the notes?"

"No."

"Could you make out their composition?"

"No. Both were incoherent and illegible."

"What was it in the dead girl's appearance which caused you to recognize her body?"

"Her face."

"How did you identify her as the girl to whom you gave the pay envelope last Saturday week?"

"I saw her plainly that day."

"Wasn't she badly bruised and cut about the face?"

"She was, badly."

"How long have you had this blue suit which you wore Sunday?"

"Three or four months."

"Did you ever wear it at the factory?"

"No."

"Didn't you tell Mr. Darley Sunday that you had on a new suit?"

"No. I merely remarked of the freshness of the suit I wore."

"Did you change clothes Sunday morning?"

"Yes. I always change on Sundays."

Conversation With Lee.

"How about the private conversation you had with Lee in the cell at police headquarters?"

"It was this way: The detectives asked me to talk to Lee. They said they wanted to find if he had ever let couples go in the factory building at night. Detective Black asked me to get all I could out of him. 'Get all you can,' he told me, 'for we think he knows more than he's told us or will tell. Tell him that the police have got you both and that you'll go to hell if he doesn't talk.' I didn't use those exact words, although I did say something similar. Lee said to me: 'Fore God, Mr. Frank, I'm telling the truth.' I told him, 'Lee, they've got us both, and we'll swing if you don't tell the straight of it.' I did not say anything about going to hell—I positively did not."

"Are you accustomed to going to ball games?"

"No."

"What did you do with the underclothes you took off Saturday?"

"I threw them into the washbag. Detective Black saw them."

"Who notified the employees that Friday would be pay day?"

"It was posted in the plant."

"Did Newt Lee accuse you of murdering Mary Phagan?"

"No."

"When you and Lee were talking in the cell at police station, didn't he describe the body and didn't you ask him not to talk about it?"

"No."

Nobody Notified Her.

"Who notified Mary Phagan to come and draw her pay envelope Saturday at noon?"

"No one of whom I know."

"Do you ever tie bundles with the kind of cord with which she was strangled?"

"No."

"Do you ever use that kind of twine?"

"Yes, occasionally."

“Are you right or left-handed?”

“Right-handed.”

“Were you the first to hear the telephone ring when Detective Starnes called you early Sunday morning?”

“Yes. I thought at first that I was dreaming.”

“When was the first time that you were told the dead girl’s name was Mary Phagan?”

“When Mr. Starnes called me and asked me if I had paid Mary Phagan, a girl who worked in the tip plant.”

Following this question Frank was excused. He probably will be put on the stand again before the inquest ends. He did not appear fatigued or agitated when the ordeal was finished. He was carried to the Tower in custody of Deputy Sheriff Plennie Minerquest in the neighborhood of \$100.-

Father-in-Law Goes on Stand.

Emil Selig, of 68 East Georgia avenue, father-in-law of the suspected superintendent, took the stand when it was deserted by Frank.

“How long has Leo Frank, your son-in-law, been married?”

“Three years.”

“Do you live with him?”

“No; he lives with me.”

“When did you first see him Saturday?”

“At dinner.”

“How long did he stay at dinner?”

“Quite a while.”

“When did you next see him?”

“At supper.”

“What did he first do upon arriving for supper?”

“Sat down at the table.”

“What did he do afterward?”

“Read in the hallway.”

“How long did you see him?”

“Until about 10 o'clock. Mr. and Mrs. Maurice Goldstein, my wife, Mrs. Ike Strauss, Mrs. Wolfsheimer and my daughter, Mrs. A. Marcus, were playing cards until 11 o'clock. Leo returned about 10 o'clock, I think.”

“Did Frank see these people?”

“I suppose he did.”

“How was he dressed?”

“In a brownish suit.”

“What time did you wake Sunday morning?”

“At 8 o'clock.”

Frank Called Up Factory.

“Did he often call up the factory upon coming home at night?”

“Yes.”

“Did Mrs. Frank tell you anything Sunday morning?”

“Yes. She said something terrible had happened.”

“Didn’t she say that a girl who worked at the factory named Mary Phagan had been murdered?”

“No, sir.”

“Did you talk to Frank that day?”

“Yes.”

“Did you find out anything about the murder?”

“No.”

“Didn’t you get any information from him about it?”

“No.”

“Did Mr. Frank say anything about it when he came back from the factory?”

“No; not that I recollect.”

“All you knew was what your daughter had told you?”

“Yes. She said, ‘Papa, something terrible has happened at the pencil factory.’”

Mrs. Selig On Stand.

Mrs. Josephine Selig, wife of Emil Selig, and mother-in-law of Frank, was next called for examination.

“Did you see Frank on Memorial day—at supper?”

“Yes. He was in the hall, reading a paper.”

“Did Frank know you were in the house when he went to bed Saturday night?”

“Yes—he must have.”

“Did he talk to the guests in your home?”

“Yes.”

“Do you remember any of the conversation?”

“No.”

“How long did he talk with any of them?”

“About twenty minutes, I suppose.”

“When did you go in to see Mrs. Frank Sunday morning?”

“About 9 o'clock.”

“Did she tell you anything about Mr. Frank?”

“No.”

“Did you ask her about him?”

“Yes. She said he had gone to town.”

"When did she speak about the murder?"

"When Mr. Frank came home that afternoon."

"Did he speak of it?"

"Yes. He said a little girl had been murdered at the plant."

"Did you ask him anything about it?"

"No. I didn't think it had any bearing on us."

"How did he seem to take it?"

"He seemed unconcerned."

"He didn't express any anxiety or curiosity about it?"

"No."

"Did he read the paper that afternoon?"

"Yes."

"Did he read it just as studiously as he read it the preceding night?"

"Apparently so."

"Did he seem to feel apprehensive?"

"No."

"When did Frank first mention the name of the slain girl?"

"I don't think I remember."

The inquest was adjourned at 7:18 o'clock. It will be resumed at 9:30 Thursday morning. The two-days' postponement is to permit detectives to garner evidence they announce available.

Following up a new theory advanced last night, detectives are said to have searched the roof of the National Pencil factory building in search of the victim's missing pocketbook and pay-envelope, neither of which have ever been found.

Police headquarters could not verify the report at midnight. Two men with lanterns, however, were seen walking over the roof about 10 o'clock. They were noticed from The Constitution reportorial rooms. After remaining on the building for thirty minutes or longer, they disappeared through a scuttle hole.

OFFICIALS PLAN TO EXHUME BODY OF VICTIM TODAY

Atlanta Constitution

Wednesday, May 7th, 1913

For Second Time in Less Than Week Physicians to Make Examination at the Graveside of Mary Phagan.

REFUSE TO TELL WHY ACTION WILL BE TAKEN

Search for Finger Prints and New Wounds Is Reported Reason—Inquest Resumed Thursday—Strange Man Sought.

Mary Phagan's body will be exhumed today for the second time. Bertillion and medical experts will make examinations for finger prints and wounds which may have been overlooked before. Coroner Donehoo and Dr. H. F. Harris, of the state board of health, will be in charge.

Between 9 and 10 o'clock is the scheduled time. The coroner and Dr. Harris and others of their staffs will leave at daybreak this morning in automobiles. They are expected to return about noon. The examination will be at the grave side.

This action is taken at the request of Solicitor General Hugh M. Dorsey. Neither he nor Dr. Harris would talk when questioned by a Constitution reporter last night. Although they admitted that a second exhumation was in view, they would not divulge their reason.

Dr. Harris is Non-Committal.

"I am not in a position to talk," said Dr. Harris. "Under other circumstances, I would be glad to give any information at my command. In this case, though, I have been urged to secrecy, and cannot violate my trust."

The solicitor said:

"I cannot talk. The body will be exhumed, it is true, at my request. To reveal further plans would be ruinous."

It was learned by The Constitution, however, that the body was to be exhumed for an examination for possible finger prints and wounds. The information came from responsible source.

It also is rumored that a Bertillion expert, summoned by authorities, arrived in Atlanta last night, and will inspect the body for finger prints. In case such evidence is revealed, photographs will be made and placed in hands of the solicitor general.

The examination for wounds will be made by Dr. Harris. When he was asked if his analysis of the dead girl's stomach had been finished, he said:

Examination Not Complete.

"The examination has not been completed. It is well under way, however, and within a few days, I will be prepared to submit the result before the coroner's jury."

He was asked if he could determine at this stage of the examination whether or not there were traces of drugs or dope.

He answered: "I am not prepared to talk on that subject. I will be unable to make a statement until I am called before the coroner's inquest."

The body was first exhumed last Sunday night under supervision of Dr. Harris, Coroner Donehoo and County Physician John W. Hurt. The stomach was removed and placed in the laboratory of Dr. Harris, who is analyzing it for traces of drugs or poison.

It came as a surprise. It was not made known until 2:50 o'clock Monday afternoon when the coroner and Dr. Hurt appeared at the inquest held at police headquarters. It was intended to keep the second exhumation a secret, in accordance with plans of the solicitor.

Seek Strange Man.

Solicitor General Hugh M. Dorsey is striving to learn the identity of the strange man who participated in a sensational scene at the Terminal station last Saturday week with a girl believed to have been Mary Phagan.

It was learned Tuesday that this man's suit case, which was checked overnight in the parcel check room, was tagged with a label bearing the lettering:

"National Pencil Company; Atlanta."

Also, it was disclosed that, following the scene created by him and the girl, he cancelled his Pullman ticket for Saturday night, returning Sunday afternoon to engage a berth for that night. He left the station Saturday in company with the girl.

Girl Makes Scene.

As he has already been revealed, a youthful, well-dressed man, wearing a straw hat and carrying a suit case, walked hurriedly from the waiting room of the Terminal Saturday afternoon of the 26th, and made his way along the runway leading to the track stairways.

As he reached the gateway of tracks No. 5 and 6, a pretty girl, about 14 years old, clad in summer frock and wearing a dark blue straw hat, rushed from the waiting room and accosted him. She seemed angry. He dropped his case and led her away from the crowd, apparently to have a talk with her.

The attention of a gateman, who had noticed the arrival of both the man and girl, was again attracted to them by loud exclamations from the girl. She was furious and tearful, while he was obviously trying to explain something.

"You want to leave me; you want to leave," she was heard to wail. "I won't

[This article is continued on page two of the newspaper which is not available – Ed.]

FRANK WILL TAKE STAND AT INQUEST

Atlanta Constitution

Thursday, May 8th, 1913

Mrs. Mattie White Tells Detectives That on Afternoon of Killing She Saw Negro in Factory.

Leo M. Frank will probably be the first witness to take the stand in the Mary Phagan murder inquest to be resumed this morning at 9:30 o'clock in police headquarters. He will be examined thoroughly along lines which neither the chief of detectives, coroner nor solicitor general will disclose.

He was resting comfortably at midnight, and, according to reports from the Tower in which he is imprisoned, he is in fit condition to undergo the ordeal. In the first interrogation to which he was subjected, he was on the stand for a trifle more than six hours. It is not thought that the examination today will last that long.

Headquarters was given a surprise yesterday afternoon with the report brought back by Detectives Rosser and Haslett, who were sent early in the afternoon to interview Mrs. Mattie White, wife of Arthur White, the mechanic who was in the pencil factory during the time Mary Phagan entered the building to draw her pay envelope.

Saw Negro in Factory.

Mrs. White stated that she went to the plant to see her husband shortly before 1 o'clock, and that as she came downstairs a few minutes later, she noticed a stalwart, black negro, sitting on a box on the first floor only a few feet from the elevator. He was seated in the shadow of the staircase, and was almost out of view.

This is the first time she has told of seeing the negro. It also is the first time it has been revealed that a negro was in the building between the hours of 12 noon and 4 o'clock, the fatal afternoon. Mrs. White told the sleuths that she did not recollect the incident at first.

Her statement was written and placed on record at headquarters. She will be summoned to the inquest. Her residence is at 58 Bonnie Brae avenue, where she has resided several years.

"The negro was a big man," she said to Haslett and Rosser, "and was apparently too well-dressed to be a workman. He was sitting on a box in the shadows of the stairway, and gazing intently at the elevator shafts. I thought nothing of his presence, and hurried on out of the building. I don't know whether or not I will be able to identify him. I possibly could, though."

Searching for Greek.

Detectives are searching for a young Greek, who is supposed to have disappeared the day the body was discovered. He was an attaché of the café adjoining the pencil factory, a popular establishment with girl employees of the plant, at which many of whom ate their lunches.

Chief Lanford stated that when city detectives, following clues they had obtained from girls of the factory, sought to interview him, they found him missing. Later, it was reported that he was in Anniston, Ala., in which city Pinkerton men are making a search. He was employed as a waiter at the café, and had been in America for a good many years. The officers will not give his name.

The theory, on which suspicion is directed toward the Greek, is that the girl was murdered on the outside of the factory building, probably in the alley way facing Madison avenue, and that her body was carried into the basement through the rear door which was broken open.

The bursting of the door would have been an easy matter, as the staple could have been taken out, the detectives say, with the fingers.

It is advanced, too, that the slayer was in love with his victim, and that the deed was inspired by insane jealousy.

Added energy was injected into the search for the missing Greek at dusk Wednesday, when W. T. Hunter, a youth living at 250 Grant street, came to police headquarters and told Chief Lanford a story of a scene he had witnessed at 3:30 o'clock on the Sunday morning the body was found.

Hunter told of the appearance of three Greeks in a club at Broad and Hunter streets at 8:30 o'clock the Sunday morning of the discovery. One of the trio, he said, carried a mysterious package under his arm, obviously containing clothing. All three, upon entering the club, went into the washroom, where they cleaned their faces and hands. Detectives have been detailed to look for the three Greeks answering Hunter's descriptions.

Dorsey Talks With Lee.

Solicitor General Dorsey held a lengthy interview with Newt Lee in the Tower Wednesday afternoon. It was the first opportunity he had gained to talk with the suspect. He would not divulge the result nor tell of the lines along which the negro was quizzed. Immediately after leaving the jail, Mr. Dorsey hurried away in an automobile.

The negro watchman, Chief Lanford says, will also go on the stand today. It will be his second examination. He will be questioned more closely regarding his private interview held with him by Frank Tuesday, a week ago, when both were allowed to talk in the privacy of the negro's cell.

STAINS OF BLOOD ON SHIRT FRESH, SAYS DR. SMITH

Atlanta Constitution

Thursday, May 8th, 1913

City Bacteriologist Makes His Report After Examination of Garment of Negro Which Was Found in Trash Barrel.

LEE'S CELLMATE MAY TESTIFY AT INQUEST

Witness Spent 24 Hours in Same Cell With Phagan Prisoner — Body of Girl Exhumed for Second Time.

DAY'S DEVELOPMENTS IN PHAGAN MYSTERY

Dr. Claude Smith, city bacteriologist, completes examination of negro's blood-stained shirt, and finds that the blood stains are new.

Body of Mary Phagan was exhumed shortly after noon on Wednesday for the purpose of making a second examination.

Mrs. Mattie Smith, wife of one of the mechanics who were last men to leave pencil factory, tells detectives that shortly before 1 o'clock, when she left the building, she saw strange negro near elevator.

Bill Bailey, negro convict who was placed in cell with Newt Lee for twenty-four hours, now at liberty, and will probably be called upon at inquest today to testify.

Leo Frank will be placed upon the stand again today at 9:30 o'clock, when the coroner's inquest is resumed.

Solicitor General Hugh Dorsey holds a long conference in cell with Newt Lee, but declines to tell what passed.

Detectives announce they are searching for a Greek, who is now believed to be in Alabama.

Chief Lanford declares that somebody is blocking Phagan investigation, silencing witnesses, and "planting" evidence.

The report of Dr. Claude A. Smith's analysis of the bloodstains on the shirt found in the home of Newt Lee, who is held in connection with the Mary Phagan murder, has been submitted to the detective department. It reveals that the stains were caused by human blood, not more than a month old.

The report is brief. The examination was thorough, but no comparison was made with the stains on the garment and with other stains. The only specimen possessed by Dr. Smith beside the shirt were small shavings, flecked with blood, which were chipped from the flooring at the spot near the machine, where the girl is supposed to have received her death blow.

Comparison with the stains on the chip were impossible because of the stain's dimness. Dr. Smith said to a reporter for The Constitution that he had not been given the bloody garments which Mary Phagan wore to use for the purpose of comparisons. The shirt has been returned to police headquarters. It will be used in the inquest today.

When the negro was confronted with the tell-tale garment Tuesday a week ago he admitted to its ownership, but said he could not account for the blood spots. He had not worn it, he declared, for two years. He said it was not bloody when he discarded it in 1911. Lee said he knew no manner in which the stains could have been made.

Shirt Found In Trash Barrel.

The shirt was found by Detectives Scott and Black in the bottom of a barrel filled with trash, which stood in the back yard of Lee's home on Henry Street. The sleuths never would tell the crew which led them to search for it.

Dr. Smith states that his inspection revealed the fact that the garment was not being worn when the stains were made. It had been used to mop up the blood, he said, and could not possibly have been worn at the time. He could not determine whether or not the blood was that of a white person or a negro.

He will probably be summoned to testify at the inquest.

Mary Phagan's body was exhumed shortly after noon Wednesday. Profound secrecy surrounds the action and it probably will not be known until the inquest today why the disinterment was made. Dr. H. F. Harris of the state board of health, was the only official at the graveside in the Marietta cemetery when the corpse was unearthed.

Body Exhumed For Last Time.

After an examination lasting two hours the body was again hurled and, according to a responsible report, some organ removed and brought by Dr. Harris to Atlanta. When the body was replaced it was consigned forever to its last resting place. Mr. and Mrs. J. W. Coleman, the dead girl's parents, objected so strenuously to further exhumations that it will never be removed again.

Until late at night Dr. Harris labored in his laboratory in the state capitol over the examination. He was reached by a reporter shortly after 16 o'clock.

"I am pledged to secrecy," he said. "It was under the condition that I make public nothing whatever pertaining to the examination that I was selected for the work. I cannot disclose the object of the analysis or its nature until allowed to do so by Solicitor Dorsey."

Solicitor Dorsey said about 9:30 o'clock that he was not prepared to talk of the exhumation. He admitted, however, requesting Coroner Donehoo and Dr. Harris to remove the body and make certain examinations which he expected to result in new and valuable evidence.

Reliable reports are to the effect that one motive of the disinterment was for the purpose of obtaining some hair from the victim's head with which to compare the strands found on the lathing machine in the pencil factory.

Another rumor is that a chart was made of the cuts and bruises on the face and body and that photographic plates were made of the finger prints on the throat.

No one outside the solicitor's staff, Dr. Hurt, Dr. Harris and Coroner Donehoo are aware of the motive for the exhumation. Even Chief Lanford and the Pinkerton men expressed their lack of knowledge. They have not been taken into the confidence of the officials supervising the mysterious move.

His Work Hampered Says Lanford.

Accusing mysterious forces of blocking his detectives, Chief Lanford said Wednesday that the work of investigation is being seriously hampered. In many instances, he declared, his men had been refused evidence which they sought, and had encountered a number of prospective witnesses, who refused to divulge the information it was believed they could give.

"I cannot account for the situation," he told a reporter for The Constitution. "We are being sorely handicapped. Not only are we being opposed, but, as has been shown many times, evidence is being planted. We have discovered numerous signs of "plants" in the past few days, and are not surprised at any "frame up."

The chief also hinted that arrests would probably result from the discoveries of planted evidence. A squad of men have been detailed to run down clues pointing to guilty persons. They are finding their task a baffling one.

Although he would say but little, Chief Beavers also hinted of efforts he had met to frustrate the work of the detective department. "It seems that we are being opposed," he said.

Lee's Cellmate May Testify.

Imprisoned for twenty-four hours in the same cell with Newt Lee, the nightwatchman suspect in the Mary Phagan mystery, Bill Bailey, an ex-convict, will probably be called to the stand in the coroner's inquest this morning to testify to certain admissions he is believed to have got from the negro.

Bailey is a negro youth, apparently 20 years old. He served eight years in the Fulton chaingang on a charge of shooting, during which time he was bunkmate of the suspected watchman. Lee was serving sentence at that time on a charge of gambling.

The negroes were intimate friends. Bailey is working with J. Mayo. Several days ago Mr. Mayo brought him to police headquarters and conferred with Chief Lanford on a plan to imprison the two ex-convicts. Monday night Bailey was sent to the Tower and locked in Lee's cell.

He was released twenty-four hours later. Chief Lanford nor any of his detectives will disclose the result of the scheme, but it is freely rumored around headquarters that the Bailey negro succeeded in obtaining valuable evidence, which he is expected to deliver at the inquest.

Did Negro Write Notes?

After minute examination of the mysterious notes found beside the body on the morning of the discovery, A. M. Richardson, inspector of service with the Adams and Southern Express companies, told a reporter for The Constitution yesterday morning that he was fully convinced that the negro nightwatchman did not write them.

"They were written by a white man," he said, "and an educated man, at that. The letters are formed too expertly, and adhere too closely to the ruling of the paper on which they were written. In my opinion, they were written by the murderer, a shrewd man, with intention of reflecting guilt upon an illiterate negro."

Mr. Richardson has made a lifetime study of handwriting. He is thoroughly acquainted with detective methods and operations, and has taken decided interest in the Phagan mystery. Most of his investigation in the case has been concentrated upon the notes. He hopes to trace their origin by means of comparing suspected script under strong microscopic examination.

New Witnesses Summoned.

Another new witness summoned yesterday for the inquest this morning was Miss Grace Hicks, of 100 McDonough road, an intimate acquaintance of the murdered girl, and the woman who identified the body before it had been removed from the cellar of the pencil factory.

The sleuths will not disclose the character of the testimony she will be expected to render. She stated to reporters, however, that she held out little evidence, and that the last time she saw the girl of tragedy alive, was on the Monday preceding her death, when she left the pencil plant.

Miss Hicks was quizzed for an hour Wednesday morning in the office of Chief Lanford. She operated a tipping machine adjoining the machine operated by the Phagan girl. She came at 6 o'clock Sunday morning in answer to summons to the factory building. The moment the tragic face of the slain girl was revealed in the dim, flickering light of the watchman's lantern, she exclaimed:

"That's Mary Phagan—Oh, my God!" falling into a swoon in the arms of her brother-in-law, Boots Rogers.

FRANK AND LEE ORDERED HELD BY CORONER'S JURY FOR MARY PHAGAN MURDER

Atlanta Constitution

Friday, May 9th, 1913



Leo Frank

Sensational Statements Made at Inquest by Two Women, One of Whom Had Been an Employee, Who Declared That Frank Had Been Guilty of Improper Conduct Toward His Feminine Employees and Had Made Proposals to Them in the Factory.

EVIDENCE IN BAFFLING MYSTERY THUS FAR, IS CIRCUMSTANTIAL, IS ADMISSION MADE BY DETECTIVES

Frank and Lee Both Go on Stand Again and Are Closely Questioned in Regard to New Lines of Evidence and Forced to Reiterate Testimony Formerly Made to Coroner's Jury. They Will Remain in Jail Pending Action of the Grand Jury.

Leo. M. Frank, superintendent of the National Pencil factory, and Newt Lee, the negro night watchman, suspects in the Mary Phagan murder, were ordered by the coroner's jury to be held under charges of murder for further investigation by the Fulton grand jury.

With this verdict the inquest closed at 6:28 o'clock yesterday afternoon. Frank and the negro will be held in the Tower until action is taken by the grand jury and solicitor general. The decision was reached within twenty minutes after the jury had retired.

Although much important testimony was delivered at the inquest, probably the most significant was the admission made by Detective Harry Scott, of the Pinkertons, and Detective John Black, of headquarters, both of whom declared in answer to questions that they so far had obtained no conclusive evidence or clues in the baffling mystery, and that their only success had been attained in the forging of a chain of circumstantial evidence.

Testimony was drawn from a number of women and young girls who told of alleged undue familiarity of the suspected factory superintendent with them and other female employees of the plant. The boldest statement of this character was made by Nellie Pettis, a young sister-in-law of Mrs. Lillie Mae Pettis, an employee of the factory.

She declared that on one occasion, four weeks ago, when she had gone to Frank's office to obtain her sister's pay envelope, the superintendent had made an open proposal, and had even intimated the offer of money.

Frank and Lee on Rack.

Both the superintendent and the negro suspect were placed on the rack during the afternoon session. Lee's statement was a reiteration of his former story. He was quizzed on new lines, however, answering all questions promptly and clearly. He preceded his employer.

Frank was interrogated in regard to new evidence that has been obtained by the sleuths.

He was worn and haggard, and shows the effect of his imprisonment. From 9:30 in the morning, at which hour the inquest was resumed, until 5 o'clock in the afternoon, when he was placed on the stand, he sat in the office of Chief Beavers, the object of the gaze of immense crowd of idly curious who thronged the building.

Coroner's Verdict.

The following is the verdict of the coroner's jury:

Atlanta, Ga., May 8, 1913.

We, the coroner's jury, empaneled and sworn by Paul Donehoo, coroner of Fulton county, to inquire into the cause of the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, county physician, find that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton county grand jury.

(Signed)

HOMER C. ASHFORD.

Foreman.

DR. J. W. HURT.

County Physician.

Frank's Testimony.

Frank was put on the rack at 5 o'clock. His examination was much shorter than the one to which he was subjected during the first session.

"What kind of elevator door is there to the shaft in the pencil factory?" was the first question.

"Sliding doors."

"How many?"

"One on each floor."

"Are they latticed or solid?"

"Solid."

"Where was the elevator at 12 o'clock Saturday?"

"I did not notice."

"Were the doors open or closed?"

"I don't remember."

"What protection would a person have from falling down the shaft [1 word illegible] the doors were left open?"

"A bar which projects across the opening."

"After the crime was committed, where did the elevator stand?"

"I only know where it stood Sunday morning. It then was on the second floor."

"When you last removed the tape from the time clock, what did you do with it?"

"Handed it to an officer in the building."

"Did you put it on file?"

"No."

"Are you sure?"

"Yes—positive."

"Do you remember a party at your house on the night of April 26?"

"Yes."

"Can you name the guests?"

"I don't remember them all."

"When the police came to bring you down to the factory that Sunday morning, what was said about whiskey?"

"I said I wanted something warm to drink. One of the detectives suggested whisky."

"What time was it?"

"Between 7:30 and 8 o'clock."

"What did you say about dreaming?"

"I said to someone that I thought I had dreamed of hearing the telephone ring in the dead of night."

"When you went to the undertakers', did you go in the water closet instead of the room in which the body lay?"

"No."

"Did you view the body?"

"Yes."

"Did you recognize the girl?"

"Yes."

"When did you first hear her name?"

"I don't remember."

"What time did you return home that Sunday afternoon?"

"I don't recollect."

"Did you telephone your wife before your return?"

"Yes."

Did Not Discuss Murder.

“Was the murder discussed at home that afternoon?”

“Not much.”

“What topic was discussed?”

“I don’t remember.”

“When did Quinn first mention to you his visit to the factory on the 26th?”

“I don’t remember.”

“What did he say?”

“He said, ‘Don’t you recollect that I was at the factory Saturday about noon?’”

“What did you tell him about withholding that information until your attorney had been consulted?”

“I don’t remember. I had so many visitors that I couldn’t recollect the exact words.”

“Who suggested the conference with your attorney relative to Quinn’s visit?”

“I don’t remember.”

“How long have you known you had counsel?”

“Since Monday.”

“Why was it mentioned that Quinn’s visit be kept until consultation with your lawyer?”

“I don’t remember.”

“How can you lock the door between your office and the dressing room where the blood spots were found?”

"I have never seen it locked."

"Is it usually open or closed?"

"Closed."

"Is there any way of closing the doors on the back stairway?"

"Yes. They are locked."

"Describe your telephone conversation with Detective Starnes at the time you were informed of the tragedy?"

Frank Was Called Up.

"He asked me if I was superintendent of the National Pencil factory. 'I'd like to have you come down here at once,' he said when I informed him that I was Leo Frank. He said he wanted me to identify a girl, and asked me if I knew Mary Phagan."

"Didn't you say that the first time you had heard her name was while you were traveling in the auto on the way to the factory Sunday morning?"

"I don't recollect that I did."

"Did you have any trouble with a girl in your office Saturday morning?"

"No. There was one incident where a mistake had been made in the pay envelope of Mattie Smith, but it was corrected without any trouble."

"What time was Mattie Smith in your office?"

"Between 9 and 10 a. m.?"

"Did anyone enter while she was there?"

"I don't remember."

"Give the name of everyone in the office throughout the day Saturday."

"Mr. Darley, Mr. Holloway, the office boy, Miss Hall, the stenographer; Mr. Campbell, Mr. Fullerton, Mrs. White, Lemmie Quinn, Mr. Gantt, Emma Clark, another girl employee, Arthur White, Harry Denham, Newt Lee and Mary Phagan."

"Did you see May Barrett?"

"I don't know her."

"What did you say to Emma Clark?"

"I don't remember saying anything to her."

He was released from examination of 4:55 o'clock.

Lee on Stand.

Newt Lee was put on the stand, and for the first time publicly told of the private conversation he held with Frank on the night the latter was arrested and brought to police headquarters. He was put through only a short examination.

"Detail your talk with Mr. Frank at headquarters Tuesday night a week ago."

"I was in the room locked up by myself. Mr. Frank, he came in. I says, 'Howdy, Mr. Frank; how're you feeling? It's mighty hard,' I says, 'for me to have to sit here handcuffed to a chair for something I didn't do.'

"He said I knew something about the crime. I told him I didn't know a thing on earth about it.

"Then he said: 'Look here, Newt, if you keep up that same story we're both going to hell.' He said it loudly, and made a sweepinn gesture with his hands. I told him that the killing must have been done

in the daytime, as all that night I had to pass once every thirty minutes by the machine where they said the little girl was killed. He wouldn't let me talk about it."

"When you came to work Saturday at 4 o'clock, did you say anything about wanting to go to sleep?"

"Yes, sir. When I got to the factory I went to the office door and hollered: 'All right, Mr. Frank, I'm here!' just like I always do. He came to the door, and said I could go out on the street and have some fun. I said I had rather sleep, because I hadn't been sleeping much of late, than have a good time out on the street. He said go on, though, and I went."

"Was that the first time he ever came to the door to greet you?"

"Yes, sir."

"Was the street door locked when you entered the building?"

"No, sir."

Found Inside Door Locked.

"Was the inside door locked—the door leading to Frank's office and the second floor?"

"Yes, sir."

"Had it ever been locked before?"

"No, sir. Not since I've been working there."

"How did you get in?"

"Unlocked the door."

"When you arrived, was the scuttle hole near the elevator open?"

"I don't know, sir. It generally always does stay open, though."

“Was it light or dark on the second floor?”

“Dark.”

“Did Mr. Frank put on the tape of the time clock at 6:30 when you returned from the street?”

“Yes, sir.”

“Did he ever do this before?”

“Only once, that’s all.”

“How long did it take him to fix the tape?”

“A pretty good while.”

“Whose shirt is that they found at your house?”

“It looks mighty like one I use to have.”

“What size do you wear?”

“Sixteen.”

“Whose clothes were in the barrel in which it was found?”

“Mine.”

“Was the shirt ready-made?”

“No, sir. It was made by Mrs. Bowen, a white lady who gave it to me.”

“If it is a ready-made garment, then it isn’t yours?”

"No, sir."

Schiff Tells of Office Work.

Herbert Schiff, chief clerk of the pencil factory, took the stand.

"What is your capacity with the concern?" he was questioned.

"I formerly was a traveling salesman. I'm now chief clerk and first assistant to Mr. Frank."

"Are you entirely familiar with his handwriting?"

(The object of the coroner was to ascertain the exact amount of work done by the suspected superintendent during the day on which the murder is believed to have been committed.)

"Yes."

"His business, too?"

"Yes, thoroughly."

"Wasn't Frank behind with his office work on that particular Saturday?"

"What kind of work had accumulated?"

"Billing, orders and the financial sheet."

"Were you at the factory Saturday?"

"No."

"How many employees are there attached to the plant?"

"One hundred and fifty or more."

(At this juncture of his examination, Schiff was given the same assortment of clerical work to investigate which had previously been given Miss Hall. He was asked to identify Frank's handwriting. He recognized ten requisition sheets which the suspect had handled.)

"How long would it require to adjust these requisitions?"

"An hour and thirty minutes, I would say."

"Were you at the factory Monday morning at 8 o'clock?"

"Yes."

"When did you first see these papers?"

"Monday or Tuesday, I forget which."

"How long would you judge that it took Frank to complete the work on his books and papers which you recognize as having been performed by him that day?"

"About six or seven hours."

"Did you see him Sunday?"

"Yes, at Bloomfield's, the undertaker."

"Did you speak to him?"

"No; not at that time. I heard him say to Mr. Darley, whom he had accompanied to the undertaker's, that he was going to police headquarters."

"What clothes did he wear?"

"I did not notice closely, but it looked like a brown suit. I'm not sure."

"Did you talk with him at all Sunday?"

"A little. He told me what he had heard of the tragedy, and of being telephoned at daybreak."

"Do you know him well?"

"Yes, I do. I've been associated with him probably more than anyone connected with the plant."

"What is his general manner toward the girl employees?"

"He says very little to them."

"Is he naturally nervous?"

"Yes, quite so. He gets agitated over the least little happening."

Frank's Conduct Discussed.

The following is Tom Blackstock's testimony:

"Do you know Leo M. Frank?"

"Yes."

"How long have you known him?"

"About six weeks."

"Did you ever observe his conduct toward female employees of the pencil factory?"

"Yes. I've often seen him picking on different girls."

"Name some."

"I can't exactly recollect names."

“What was the conduct you noticed particularly?”

The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls.

“See it often?”

“A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building.”

“Can’t you name just one girl?”

“Yes. Magnolia Kennedy.”

“Did you see him act with undue familiarity toward her?”

“No. I heard talk about it.”

“Before or after the murder?”

“Afterwards.”

“When did you observe this misconduct of which you have told?”

“A year ago.”

“Did you hear complaints around the plant?”

“No. The girls tried to avoid him.”

At 6:28 o’clock, when the jury adjourned the inquest, executive session was declared. Behind locked doors, with even the coroner barred, the six jurors heard the statement of Dr. John W. Hurt, county physician, relative to the examination he had made upon the body.

He told them of the disclosure that death had been caused by strangulation, and minutely described the cuts and wounds about the chest, head and shoulders. No reference was made to the examination he held on the stomach by Dr. H. F. Harris, of the state board of health, nor of the analysis made at the grave when the body was disinterred Wednesday afternoon.

Dr. Hurt's statement consumed twenty minutes or more. It required half that time for the jury to reach a verdict. When it had been delivered, Coroner Donehoo made a small speech of thanks, commending each man for his efforts during the inquest. Following which, the six men were paid their regulation fee of \$1.

A pathetic feature of the adjournment was the handshake accorded the jury individually by James W. Coleman, stepfather of the slain girl. With tear-dimmed eyes and tremulous hand Mr. Coleman moved among the jurors, pressing their hands firmly and murmuring words of gratitude.

The final two hours of the inquest were occupied in examining witnesses whose testimony pertained to the suspected superintendent's alleged misconduct with female employees of the plant. These witnesses were Mrs. C. D. Donegan, Tom Blackstock, Nellie Wood and Nellie Pettis.

It was the first time such testimony had been introduced, and came as a surprise. The statement of the Pettis girl was the most interesting. She lives at 9 Oliver street and is apparently 18 or 19 years old.

Testifies to Improper Conduct.

She first was asked if she ever had been employed at the pencil factory.

"No," she answered.

"Do you know Leo Frank?"

"I have seen him once or twice."

"When and where did you see him?"

"In his office at the factory whenever I went to draw my sister-in-law's pay."

What did he say to you that might have been improper on any of these visits?"

"He didn't exactly say—he made gestures. I went to get sister's pay about four weeks ago, and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless 'I saw him first.'

"I told him that I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'

"I instantly told him I was a nice girl."

Here the witness stopped her statement. Coroner Donehoo asked her sharply:

"Didn't you say anything else?"

"Yes, I did! I told him to go to h—!! and walked out of his office."

Mrs. C. D. Donegan was next called to the stand. She was connected with the pencil plant for three weeks. Her capacity was that of forelady. She resides at 165 West Fourteenth street with her husband.

"Frank Flirted With Women."

Her testimony follows:

"State your observations of Frank's conduct toward the girls and women of the plant."

"I have noticed him smile and wink at the girls in the place. That was two years ago."

"Did you make a statement to the detectives of undue familiarity you had witnessed?"

"I told them that I had seen Frank flirt with the girls and women—that was all I said."

The testimony of Nellie Wood, a young girl of 8 Corput street came next.

In brief it was this:

“Do you know Leo Frank?”

“I worked for him two days.”

“Did you observe any misconduct on his part?”

“Well, his actions didn’t suit me. He’d come around and put his hands on me, when such conduct was entirely uncalled for.”

“Is that all he did?”

“No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn’t let him. He got too familiar by getting so close to me. He also put his hands on me.”

“Where did he put his hands?”

“He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking, but I was too wary for such as that.”

“Did he try further familiarities?”

“Yes.”

“When did this happen?”

“Two years ago.”

“What did you tell him when you left his employ?”

“I just quit, telling him that it didn’t suit me.”

Detectives On Stand.

The placing of Detectives Scott and Black on the rack created surprise. They had been assisting in the examination of witnesses. Both were quizzed during the afternoon session.

Scott was first to take the stand.

“What is your profession?”

“Assistant superintendent of the Atlanta branch of the Pinkerton Detective agency.”

“Why are you investigating the Mary Phagan case?”

“I have been retained by the National Pencil company, through Leo M. Frank, to catch the murderer of Mary Phagan.”

“When and how were you retained?”

“Monday following the discovery of the body, I was called over the telephone by Mr. Frank. I went to see him at his office and was employed.”

“State what conversation ensued between you?”

“Frank said, ‘I guess you have read of the horrible crime that has been committed in our factory building. We desire to catch the murderer or murderers, and want to employ the Pinkertons so as to show the public that we are interested in the case.’ He also said that John Black, a detective at police headquarters, seemed to suspect him of the crime. He detailed to me his movements on the day of the murder. This was his explanation:

“I was at the office of the plant until 10 a. m., when I went to Montag’s office, returning to the factory about 10:30 o’clock. White and Denham, two mechanics, were in the building, and, about 12:10 o’clock, Mary Phagan came in to draw her pay. As she stopped from the office with her envelope, she called back to see if the tipping metal had arrived. About 12:50 o’clock, I left for dinner, returning at 3:10. At 4 o’clock, the negro watchman, Newt Lee, appeared. He was dismissed because of the

rupture in my plans to attend the ball game. At 6:30, the negro returned and I went home for the night.”

Scott Questioned Frank.

“Did you ask him any questions?”

“I asked him but little, nothin, in fact.”

“Did he show you over the building?”

“Yes, we inspected the time clock, the elevator, machine room in which the girl is supposed to have been killed, and the spot in the basement where the body was found.”

“Who was with you beside Frank?”

“A Mr. Darley.”

“Did Frank make any suggestions as to how you might proceed with your investigation?”

“None, whatever.”

“Did he advance any theories?”

“None.”

“Have you talked with him since?”

“Only once, and that was while he was being examined at police headquarters.”

“Did Frank reprimand you for questioning him, or protest against the tone of your questions?”

“No.”

“Did he ask you to stop the investigation?”

"No. Herbert Haas asked us to turn over to him the reports of our progress until further notice. I told him we'd first withdraw from the case."

Scott Reports to Manager.

"Who is getting your daily reports?"

"Sig Montag, manager of the pencil factory."

"Are you still in the employ of the pencil factory?"

"Yes."

"Who planned the conference between Lee and Frank?"

"Detective Black and I. We asked Frank to impress upon the negro the importance of telling the truth."

"What was he told to say to Lee?"

"What I have just told you."

"What did Frank say when the conference was finished?"

"That he could not get a thing out of the negro."

"What did the negro say?"

"That Frank told him that if he stuck to his original story, both would go to h—l, and that Frank had made no effort to question him."

"What did Frank say regarding the conference?"

"That he could get nothing from Lee, and that he had made every possible effort to get the truth."

“Were you with Detective Black when Lee’s home was searched for the bloody shirt?”

“No.”

“Did you see the shirt in question?”

“Yes.”

“Describe it!”

“It was bloody, and looked as though it had been recently washed. It exhaled a strong odor of blood.”

“Had it ever been laundered?”

“There was no mark to indicate it.”

“Did Lee ever see it?”

“Yes, he recognized it, but said it ‘had not been worn for two years.’ He could not account for the blood stains.”

Scott Refuses to Committ Self.

“Mr. Scott, have you any direct clue or clues?”

“I won’t commit myself at present.”

“Have you anything positive?”

“Only surmises. We are only running out a chain of circumstantial evidence.”

“Is this information in only your possession?”

“No. It is also in Detective Black’s.”

Detective Black was called.

“Tell the jury about the bloody shirt which you found in Newt Lee’s home.”

“Fred Bullard, a headquarters detective, and I went to the rear of 40 Henry street last Thursday a week ago and found it in a trash barrel at the negro’s home.”

“In which part of the barrel was it found?”

“In the bottom.”

“Was the barrel odorous?”

“Yes. It was strong with the fumes of refuse.”

“Did you see the shirt Lee wore Sunday when he was arrested?”

“Yes.”

“Was it like the bloody one?”

“No. It was a woolen garment. The bloody one was linen.”

“Where is the bloody shirt now?”

[It appears there was a mistake in printing and part of the article is missing —Ed.]

“... clue in the Phagan case?”

“Have you discovered any positive clew in the Phagan case?”

“No.”

“What did Lemmie Quinn tell you of his trip to the pencil factory on the Saturday that Mary Phagan disappeared?”

“He told me last Tuesday that he was not at the factory at all on April 26.”

Six Witnesses at Morning Session.

Three hours of the most rigid questioning of witnesses at yesterday morning session of the coroner's inquest into the death of Mary Phagan failed to bring out any new evidence of importance. Six witnesses—“Boots” Rogers, a former county policeman; Lemmie Quinn, foreman of the pencil factory; Miss Corinthia Hall, employed at the factory; Miss Hattie Hall a stenographer; J. L. Watkins and Miss Daisy Jones—were examined by Coroner Donehoo, but the testimony differed in no way from what has already been given.

Constitution Reporter Testifies.

Rogers told how Britt Craig, the Constitution reporter, was the first to enter the basement and see the dead girl's body as it lay “face down” in the basement of the pencil factory. His story of how Lee told the officers of his discovery of the body was identified with other testimony on this point.

After Lee had been arrested Rogers said that he went in an automobile to the home of Miss Grace Hix, at 100 McDonough road, an employee at the factory, and brought her to the factory to identify the body of Mary Phagan. He then went for Frank, who had in the meantime been telephoned to, and found him nearly dressed, but nervous.

Rogers said that when the officers arrived at the Frank home, Frank asked whether there was anything wrong at the factory.

While at the factory, Rogers testified, Frank ran the elevator and examined the time clock, reporting that it was correctly punched. His only remark to the arrested night watchman was “too bad.”

Rogers told of how he then took Frank to the undertaker's shop to see the girl's body, and later took him to police headquarters to be questioned.

L. A. Quinn, the foreman under whom Mary Phagan worked, stated that he had not seen Mary Phagan since the Monday prior to her death when she was suspended from work on account of a shortage of material.

He stated that he did not work on the Saturday of the murder, but was in the pencil factory to see Mr. Schiff, and talked with Frank only a few minutes after the time when Frank is supposed to have paid off Mary Phagan. He said he did not see Mary Phagan that day. Quinn accounted minutely for his whereabouts and actions on the day of the murder.

Had Forgotten Visit.

He stated that he had forgotten his visit to the factory on the day of the murder until the Tuesday or Wednesday following, but when he remembered it, he asked Frank [1 word illegible] he had better tell the officers. Frank, he said, suggested that he tell his—Frank's—lawyers about it.

Upon being asked why he had withheld his story of his visit to the factory from the detectives, Quinn said that he did not want to be questioned by the detectives and drawn into the case.

He was questioned about his visit to the Coleman home, where Mary Phagan lived, after the murder, and was also questioned as to the treatment received by girls working in the factory.

Miss Hattie Hall, stenographer for Sig Montag, stated that she was at the factory on Saturday morning working for Frank from about 11 o'clock until noon, but did not see Mary Phagan and could throw no light on the mystery. She told how much and the nature of the work she did for Frank on that day. She said she left the factory at 12:02 o'clock.

The former testimony of J. L. Watkins to the effect that he had seen Mary Phagan on the street between 5 and 6 o'clock on the afternoon of the murder was broken down when a Miss Daisy Jones told the jury how she had passed where Watkins thought he saw Miss Phagan at the time the Watkins lad designated, and that Watkins, being recalled to the stand, admitted his mistake.

Miss Corinthia Hall, who has been an employee at the pencil factory for three years, testified that Frank's conduct toward the girls in his employ was beyond reproach. She said that she left the factory at 11:45 on the morning of the day of the murder; did not see Mary Phagan and had not seen her since the Monday before when she was laid off from work.

The theory that Mary Phagan was slain by a Greek who worked in a nearby café, has been disproven and is abandoned by the detectives.

GIRL WILL SWEAR OFFICE OF FRANK DESERTED BETWEEN 12:05 AND 12:10

Atlanta Constitution

Saturday, May 10th, 1913

Testimony Considered Important by Officers Because Frank at the Inquest Stated on Stand That He Did Not Leave Between Noon on Saturday and 12:25. When Quinn Came to See Him.

SHE WENT TO FACTORY TO GET PAY ENVELOPE – POSITIVE OF THE TIME

New Evidence, Just Submitted to Detective Department, Leads Chief Lanford to Believe That Mary Phagan Was Murdered in the Basement — Woman Says She Heard Screams on Saturday Afternoon.

A new and important witness has been found in the Mary Phagan murder mystery.

She is Monteen Stover, a girl of 14 years, a former employee of the pencil factory.

After already having attested to an affidavit now in possession of the solicitor general, she will testify before the grand jury that on the day of Mary Phagan's disappearance, she entered the pencil plant at 12:05 o'clock in the afternoon and found the office deserted.

Also, that she remained five minutes, during which time no one appeared. The building seemed empty of human occupants, she declares, and no sounds came from any part. Expecting to have found the superintendent, she says she went through both the outer and inner offices in search of Frank.

Testimony Important Declare Police.

The police say that this is valuable evidence because of the testimony of Frank at the inquest to the effect that he remained in his office throughout the time between 12 noon and the time at which

Quinn arrived, 35 minutes after 12. Also, they recount his statement that Mary Phagan entered the building at 12:05, the time the Stover girl says she arrived.

The latter states she went to draw her pay envelope. She is positive of the time at which she appeared in the office, because she looked at the timeclock on the wall fronting the entrance to the outer office. She was anxious, she says, to ascertain if it was time to draw the pay for which she had come.

In telling of the value of the Stover girl's testimony, the police refer to Frank's testimony, which was recorded as follows:

"What time did Miss Hall, the stenographer, leave the office Saturday, April 26?"

"About 12 noon. I recollect the time because I heard the noon whistles blow."

"What did you do when she departed?"

"Started work on my books."

"Were you alone?"

"So far as I knew."

"Did anyone come in later?"

"Yes. Shortly after 12 o'clock, the little girl who was killed entered my office."

When Mary Phagan Reached Office.

"Can't you estimate the time?"

"Yes, it was about five minutes after twelve."

"How did you fix the time?"

"It seemed that late."

"What time do you say Lemmie Quinn arrived?"

"About 12:25 o'clock."

"Were you out of the office from the time the noon whistles blew until Quinn came?"

"No."

Monteen Stover was seen by a Constitution reporter last night at her home, 171 South Forsyth street. She is a daughter by first marriage of Mrs. Homer Edmondson, a boarding house keeper of that address.

She is now employed with a Whitehall street department store as salesgirl. The detectives discovered her last Saturday, when she came again to the pencil factory to draw the pay she had missed on the previous weekend.

As she and her mother entered the office, they were questioned by two officers who were stationed in the plant to procure whatever evidence they might find. Monteen told them of her visit on Memorial day, and gave them her name and address. Monday morning she was taken to the office of the solicitor general, where an affidavit was attested to.

Went to Factory To Get Her Pay.

"I went to the pencil factory that Saturday," she told the reporter, "to draw my pay. The front door and the door leading to the second floor were unlocked. The whole place was awfully quiet, and kinder scary as I went up the steps.

"The minute I got to the office floor I looked at the clock to see if it was time to draw my pay. I would have looked at it, anyhow, I suppose, as it was always customary for me to punch it the first thing upon entering the place to go to work.

"It was five minutes after twelve. I was sure Mr. Frank would be in his office, so I stepped in. He wasn't in the outer office, so I stepped into the inner one. He wasn't there, either. I thought he might

have been somewhere around the building, so I waited. When he didn't show up in a few minutes, I went to the door and peered further down the floor among the machinery. I couldn't see him there.

"I stayed until the clock hand was pointing exactly to ten minutes after twelve. Then I went downstairs. The building was quiet and I couldn't hear a sound. I didn't see anybody. As I walked from the building out to the street I saw four young boys standing close to the entrance. When I first came into the place they were standing on the corner of Forsyth and Hunter streets. They were only young boys."

Detectives Wanted Testimony a Secret.

Mrs. Edmondson, Monteen's mother, said to the reporter:

"I regret it exceedingly that Monteen will have to testify in this case, but if it will help clear up the mystery I will be mighty glad. Also, I'm grieved that it will get in the newspapers. The solicitor and detectives seemed extremely anxious that her testimony be kept secret."

Monteen had worked at the pencil factory for a year. She spoke highly of the suspected superintendent, and said that he was as popular with his employees as any employer whom she had ever known. She did not know the Phagan girl, and said she had never even seen her.

After scouring the vicinity of Mapleton and Smyrna for miles around, the police have finally found the mysterious "girl in the red dress," who was reported to have visited the pencil factory with Mary Phagan at the time of her disappearance. She is Mrs. Nancy Caldwell, of 10 Gray street, a former companion of the [new paragraph started; misprint]

How Report Started.

STARTED.

The chief of police and two detectives, after an auto trip to Marietta, were informed she lived in Atlanta, and after examining her thoroughly, learned that she had not seen Mary Phagan since a year ago. The rumor of her association with Mary on Memorial day started in a store near Mapleton by a girl who is said to have asserted her knowledge of a girl who accompanied Mary to the pencil factory.

Before her marriage, Mrs. Caldwell was Miss Nancy Summerhill, who lived eight miles from Smyrna. She and the victim were intimate friends until 1912, when both moved to Atlanta. She was seen by a reporter for The Constitution late last night.

"No, I wasn't with Mary that Saturday," she said. "I wish I had been. I might be able to throw some light on the mystery. If I had gone with her to the factory building and had experienced all I am reported to have experienced, I'd have said so long ago."

Says She Heard Screams.

Evidence that Mary Phagan was murdered in the pencil factory basement in which her lifeless form was found, was submitted by Chief Lanford to Solicitor Hugh Dorsey Friday in the shape of an affidavit attested by a young woman pedestrian who passed the building at 4:30 o'clock the Saturday of the crime.

She testifies to this effect:

That at 4:30 o'clock Saturday afternoon, April 26, as she passed the Forsyth street entrance to the National Pencil factory, she was attracted by shrill screams of a girl emanating, apparently, from the basement of the plant building. So tragic did the cries sound that she stopped. Three sharp, piercing screams came in succession, then died away as though having been stifled.

The deponent says that although her experience preyed depressingly on her mind, she did not consider it important enough to report to police authorities until she read of the Phagan murder. Her testimony has been in the hands of Chief Lanford since last Monday.

Believes Girl Was Alive.

This throws a new aspect on the mystery. The problem of the bloody hairs and stains found on the second floor confront the sleuths. It has heretofore been the accepted theory that the murder was committed in that part of the building. Chief Lanford, however, believes that the girl was still alive when her body was lowered to the cellar.

Neither Chief Lanford nor the solicitor would reveal the name of the woman. Her home is on Haynes street, but further than this they would tell nothing. This affidavit exists, though, the chief states positively, and will be delivered to the grand jury.

Many new developments arose Friday. With the case completely in its hands, the state busted itself throughout the day with examining 100 or more witnesses who were summoned to the office of Solicitor Dorsey.

Solicitor Dorsey announced Friday morning that he had obtained one of America's best detectives to assist him. He would not disclose the name, saying that the new detective would work secretly on the case. It is rumored that Detective Burns has been employed to conduct the investigation.

Many Detectives on Trail.

The entire staff of detectives at police headquarters, numbering thirty, is still engaged in running down every available clue. The Pinkertons and other private agencies continue at work on the mystery. No pains or expense are being spared.

The grand jury, according to Solicitor Dorsey, is likely to begin its investigation any time after Friday. It is thought its action will be taken next Monday. Shelby Smith, chairman of the Fulton county commission, in speaking of the solicitor's probe, said it would be thorough and exhaustive.

"No expense will be too great, no work too hard and exacting. We have instructed Solicitor Dorsey that he will be backed to the last ditch in the money to be spent. He has the sanction and support of the county board in every particular."

Newt Lee was interviewed for the second time by Solicitor Dorsey Friday afternoon. Mr. Dorsey would not discuss the lines along which the negro was quizzed.

The grand jury which has been empanelled for the present term is composed of many prominent and influential residents and business men. It is as follows:

L. H. Beck, foreman; F. P. H. Akers, R. R. Nash, Charles Heinz, H. G. Hubbard, John D. Wing, R. A. Redding, V. H. Kriegshaber, R. F. Sams, A. D. Adair, S. C. Glass, J. G. Bell, Cephas M. Brown, George A. Gershon, A. L. Guthman, Walker Dunson, W. L. Peroy, C. A. Cowles, Sol Benjamin, R. P. Bell, H. M. Beutell, W. A. Bosser and Albert Roylson.

THE PHAGAN CASE DAY BY DAY

Atlanta Constitution

Monday, May 12th, 1913

The history of the baffling Phagan mystery, daily recorded, is briefly as follows:

Sunday April 26—Girl's body found in basement of pencil factory. Newt Lee, negro night watchman, who made discovery, arrested. Arthur Mullinax, street car employee, also arrested. Both held on suspicion.

Monday—Leo M. Frank, factory superintendent, detained, but later released. J. M. Gantt, former bookkeeper of pencil concern and friend of dead girl, arrested in Marietta. Negro elevator boy also taken into custody. Pinkertons enter case.

Tuesday—Bloody shirt found at negro watchman's home. Planted evidence theory advanced. Mary Phagan's body buried. Sleuths announce they have evidence to convict. Frank confers with negro suspect.

Wednesday—Inquest begins. Newt Lee testifies. One hundred and fifty pencil factory employees summoned before coroner. George Epps, newsboy, tells of ride to uptown with Mary Phagan on her last trip.

Thursday—Frank and Lee ordered to Fulton tower on warrants issued by Coroner Donehoo. Trip made without incident.

Friday—Both prisoners tell reporter for The Constitution at 1 a. m. that they are not guilty and will prove their innocence.

Saturday—Evidence is unearthed that imposters, pretending to be Pinkerton detectives, are questioning leading witnesses. No arrests made.

Sunday, May 4—Detectives again announce their belief that they can convict murderer, whoever he is.

Monday—Paul P. Bowen, former Atlanta youth, arrested in Houston under suspicion of complicity in slaying. Is released at night.

Tuesday—Detectives obtain affidavit from woman who alleges she heard screams from basement of factory building at 4:30 p. m. on Memorial day.

Wednesday—Testimony is secured from Monteen Stover that she visited pencil plant at 12:05 noon on Memorial day and that offices were deserted.

Thursday—Inquest resumed. Character witnesses are examined. Frank and Lee ordered by jury to be held under suspicion of murder for grand jury investigation.

Friday—Mrs. Nancy Caldwell, of 10 Gray street, is examined by detectives under belief that she was the “mysterious girl in red” who was supposed to have visited factory with Mary Phagan. She establishes alibi.

Saturday—Three more Pinkerton detectives put to work on investigation. No developments at police headquarters. Solicitor general examines 100 witnesses.

Sunday May 11—Solicitor Dorsey announces that grand jury will probably not take action until early next week.

CORONER’S JURY VISITS SCENE OF MURDER AND ADJOURNS WITHOUT RENDERING VERDICT

Atlanta Journal

Monday, April 28th, 1913

Will Meet Again Wednesday Morning When Witnesses Will Be Examined—Five Hundred People Present When Inquest Was Begun

For an hour Monday morning a jury empaneled by Coroner Paul Donahue [sic] groped through dark basement passageways and first floor rooms in the factory of the National Pencil company hunting

for evidence that would aid them in reaching a verdict as to who murdered pretty Mary Phagan. At the end of their hunt the body adjourned. They will meet again Wednesday morning at 9 o'clock to continue their investigation.

Many witnesses who can throw a light on the actual crime, the actions of the dead girl or of the suspects under arrest will be examined then. It is probable, also, that the prisoners now held in jail also will testify.

The jury met at P. J. Bloomfield's undertaking chapel, 84 South Pryor street, shortly after 10 o'clock. It was composed of these: J. C. Hood, Clarence Langford, Glenn Dewberry, Homer C. Ashford, John Miller and C. Y. Sheets. Mr. Ashford was foreman.

The first official act of the jury was to view the remains of the 14-year-old girl. Behind closed doors the coroner's talesmen inspected the fatal wounds and bruises on the girl's body.

No witnesses were called. One or two who had been told by the police to be present when excused and told to report again Wednesday morning. They and many others probably will be heard at that time.

A throng of 500 persons had gathered at the undertaking parlors to hear the inquest. They were excluded by the police and when the jury, headed by Coroner Donahue [sic], finally left the funeral parlors for the scene of the murder, the investigators had to elbow and shoulder their way across a crowdbanked sidewalk.

Every inch of ground, every thing that has been mentioned in connection with the case were examined by the jurors in the pencil factory.

They were accompanied by three or four policemen on their tour, and the many details of the mystery given them to unravel, if possible. Once in their investigation a lantern was placed on the spot on the basement floor where Newt Lee, negro night watchman, says another lantern was sitting when he discovered the body. Apparently there was doubt in the minds of some of the jurors as to whether or not it would be possible for one standing where the negro said he stood to see a body. What the consensus of opinion among the investigators was is not known, however.

Shovels, tools, pieces of wood and other objects lying in the basement were examined for evidence that there had been possible weapons in the attack upon the girl. The search along this line was fruitless.

The jury viewed the machine room in the second story, upon the floor of which blood stains were found Monday morning. They saw the lathe to which a few strands of hair were found clinging by a workman. They visited the lavatory and several other rooms in the building. At the conclusion of the search no juror expressed an opinion. They will reserve their judgment until the conclusion of the inquest. This probably will be on Wednesday.

NEGRO WATCHMAN TELLS STORY OF FINDING GIRL'S BODY AND QUESTIONS FAIL TO SHAKE HIM

Atlanta Journal

Wednesday, April 30th, 1913



Mary Phagan

Newt Lee, Negro Who Notified Police of Mary Phagan Murder, Tells Coroner Girl's Body Was Lying Face Up With Head Toward West When He Found It — But Officers Declare They Found It Lying Face Down, Head Toward East, Knew She Was White, Said He, by Her Hair SAYS MR. FRANK DID UNUSUAL THINGS, BUT DOES NOT DIRECTLY IMPLICATE ANYONE Mr. Frank Met Him Outside Office Saturday Afternoon and Let Him Off for Two Hours, After Having Insisted That He Be There at 4 o'Clock—Mr. Frank Was Scared When He Saw Gantt, Says Negro—Telephoned Him That Night for First Time—Inquest Resumed at 2:15

That he found the body of Mary Phagan face up with its head toward the back of the building, was the startling evidence given at the coroner's inquest Wednesday morning by Newt Lee, the negro night watchman at the National Pencil factory in which the child was murdered.

This evidence, by which the negro has stuck without wavering is in direct conflict with the evidence of all the police officers and others who answered the negro's alarm.

They found the body lying face down with its head toward the front of the building, they all swear.

The negro swore to the coroner Wednesday, that when he scurried away from the body to the telephone, he stayed away until the officers came. He went with them—and they found the body exactly reversed from the position in which he says he found it.

Thus is mystery added to mystery in the crime.

If the negro tells the truth (and the police have been unable to shake him from his first story, however much they doubt some of its particulars), who turned the child's body over upon its face with its head in the opposite direction after he left it go to the telephone?

WAS MURDERER STILL THERE?

Was the murderer lurking there in the gloom at the back of the basement when the negro came down the ladder?

Was it the purpose to burn the body in the furnace—which was not burning then, but which might have been lighted easily from the clutter and trash? Did the negro's descent into the basement frustrate that? And then did the murderer pull the hasp on the rear door of the basement and flee before the officers got there?

Patience and perseverance upon the part of the police, and the incessant putting together of two and two, will reveal the story.

The negro did not attempt to implicate any one, in his evidence before the coroner's jury. His evidence was damaging slightly to Mr. Frank, the superintendent, in that he said Mr. Frank sent him away from the factory from 4 to 6 after having insisted that he be there at 4; that Mr. Frank looked frightened when he came down the stairs as the negro, after his return, met Mr. Gantt at the street door; and that Mr. Frank never had called him before, as he did over the telephone between 7 and 8 o'clock that evening, to ask if everything was all right. The obvious conflict, between the officers inability to distinguish at first whether the girl was white or black may be dismissed, perhaps, by the negro's stout assertion that he knew by her hair, which was long and brown and wavy, totally unlike that of a negro woman.

At 12:40 o'clock the coroner's inquest adjourned until 2:15 o'clock.

THINKS HE SAW HER.

J. G. Spier, of Cartersville, testified that he saw a man and a girl, the latter of whom he declared positively after seeing the body at the undertaking establishment was Mary Phagan, on Forsyth street, near the pencil factory Saturday afternoon about 3:50 o'clock. He was positive the girl was the same whose body was pointed out to him as Mary Phagan's, he said, but was not sure of the man. The general "outline," he said was the same as the pointed out to him as Frank. He saw this couple again about 5 o'clock, he said.

The first official and public probe into the deep mystery hiding the slayer of fourteen-year-old Mary Phagan, brutally murdered and mistreated last Saturday night in the National Pencil factory, was begun in earnest Wednesday morning at 9:10 o'clock, when the coroner's jury began its examination of witnesses.

The inquest was held at police headquarters, behind the closed doors of the station, in the office of the board of commissioners. Coroner Donehoo assembled his jury again (following a recess since it was empaneled last Monday morning) at the undertaking establishment of P. J. Bloomfield on Pryor street, and marched at the head of it from there through the streets to police headquarters, preferring to go to the witnesses who were incarcerated rather than bring those witnesses to the jury.

The following witnesses were called and sworn by the coroner:

E. E. Shank.

W. J. Coleman, step-father of the murdered child.

Adam Woodward, negro nightwatchman in an adjoining livery stable, who believes he heard a woman's screams about 11 o'clock Saturday night.

Newt Lee, negro nightwatchman in the pencil factory, who first reported the finding of the body.

W. W. Rogers, former county policeman, who carried the officers to the scene of the crime.

W. F. Anderson, call officer, city police.

Sergeants Brown and Dobbs, of the city police.

Miss Pearl Robertson, friend of Arthur Mullinax, the trolley car conductor who has been held upon suspicion.

J. M. Gantt, formerly bookkeeper at the National Pencil factory.

E. L. Sentell, who believes he saw the girl on the street with some man Saturday night.

It was a noticeable fact that L. M. Frank, superintendent of the factory, was not among the witnesses called at first. His attorney, Luther Z. Rosser, was present when the inquest began its work.

Coroner Donehoo resumed his inquest upon the mysterious murder of Mary Phagan Wednesday morning, reimpaneling shortly before 9 o'clock the same jury which met Monday and recessed for two days. The members of that jury are H. C. Ashford, L. Glenn Dewberry, of 352 Cooper street; J. C. Hood, of 185 Windsor street; C. A. Langford, of 144 Highland avenue; John Miller and C. Y. Sheats, of Cascade road.

Immediately after impanelling the jury at the undertaking shop of P. J. Bloomfield on Pryor street, where the murdered girl's body had rested until it was removed for burial Tuesday. Coroner Donehoo led it away from the crowd congregated in the street in front of the establishment, marching to police headquarters. There the negro night watchman, Newt Lee, and the superintendent, L. M. Frank, of the National Pencil company, were in detention behind stout bars.

CALL OFFICER TESTIFIES.

W. F. Anderson, call officer, city police, was the first witness to be examined. He told of receiving a telephone call at police headquarters shortly after 3 o'clock Sunday morning a man's voice informed him that the speaker was the negro night watchman at the National Pencil company factory and that he, the watchman, had found the body of a young woman who evidently had been murdered. She was a white girl, the negro said.

The witness went to the factory on Forsyth street with other officers, and was met there by the negro, Newt Lee, and was led by the negro through a trapdoor down a ladder into the basement, where after some moments he distinguished the body of the murdered girl later identified as Mary Phagan. He could not see it at first until he was almost upon it, said the officer. The body was lying in a corner beyond the end of a compartment partitioned off at the left from the main basement. It was lying upon its face. The left stocking was torn. The left shoe was missing. The left knee was bruised. The band around the bottom of the underskirt was torn off.

GRUESOME DETAILS GIVEN.

The head was very bloody, and the eyes were bloodshot. A cord, he said, which was a sort of small rope, was tied so tightly around the neck that it cut into the flesh. This cord was about six or seven feet long. In addition to it, the band which had been torn from the dead girl's underskirt, was wrapped round the neck.

He also found a bruise just above and back of the ear. He testified that the mouth and eyes of the dead child were filled with dirt and sawdust, and that the whole face was so discolored with grime that he was not sure at first whether the girl was white.

In reply to questions he said that he hadn't noticed whether the body had been dragged across the floor of the cellar.

After examining the body he had gone to the door which offered an exit from the cellar, and there he found that the staple on the inside had been drawn, and that the door had been opened by this means.

LANTERN LIGHT DIM.

At this point, Dr. J. W. Hurt took up the questioning and brought out an important fact from the witness.

He asked the witness what sort of light he had used in the cellar. The officer said that it was the usual police flashlight light. Then he inquired the sort of light used by Newt Lee, the negro night watchman. The officer answered that it was a lantern, very much smoked, which gave only a dim light.

Lee has told the police that he noticed the body as he stood twenty or thirty feet away.

“Could he have seen twenty or thirty feet with his lantern?” asked Dr. Hurt.

“He could not,” answered Officer Anderson, “He couldn’t have seen more than twelve or fifteen feet. And I also think that the place where he says he was standing is in such a position that rays from the lantern would not have even fallen in the direction of the body.

He also testified that the reason which the negro gave for going to the cellar was not convincing.

BASEMENT DESCRIBED.

He was present, said the witness, when somebody picked up a note near the body. He identified it as the one written on a slip of yellow paper. Later somebody found another note. He didn’t identify that. About five feet from the girl’s body a pencil was found. Near it was a pad from which the slip evidently had been torn. He described the basement—a long, narrow enclosure between rock walls, with the elevator shaft near the front, a boiler on the right about half way back, a partition on the left shutting in an enclosure which seemed to be waste space, an open toilet on the right beyond the boiler, the girl’s body on the left beyond that, and a door at the back end. The girl’s left slipper was found near the elevator. She wore no hat that he couldn’t find. He didn’t remember distinctly how she was dressed, but believed it was in some dark material.

SERGEANT BROWN TESTIFIES.

Sergeant R. J. Brown gave evidence putting heavy suspicion upon the negro night watchman, Newt Lee. Call Officer Anderson has testified that the negro told him over the telephone that the body was that of a young white woman.

Sergeant Brown declared that he and his brother officers found it impossible to tell whether it was the body of a white or a colored girl until they made a minute examination.

He described revolting details. He said that the negro’s story that he (the negro) first saw the body when he was standing some twenty-five feet away from it, seemed improbable to the officers, for they stood there and could not see it by the light of the negro’s lantern, nor could they make it out until they were within just a few feet of it.

It was only after a minute examination, said the sergeant, that he and the other officers concluded that the negro's statement was right, that the body was that of a white person.

BODY WAS COLD.

"This is nothing but a child!" the officer said he exclaimed, when he first saw the body closely. The body was cold then and was somewhat still, said he.

"I couldn't tell whether it was a white girl or a colored girl. I took some shavings from around there and rubbed her face with them. Still I couldn't tell whether her skin was white or dark. Finally I had to roll the stocking down from the right knee—the other being torn and dirty; and then I saw her white skin."

The officer said the body was fearfully dirty—particularly the face. There was a place on the dirt floor of the basement that looked as if something might have been dragged there. He did not believe that all of the dirt that was on the child's face could have gotten there simply from the body's lying upon the dirt floor. Dirt was inside the child's mouth, even. Her tongue was swollen, and protruded almost to the point of her chin, showing she had choked to death. A piece of heavy twine was tied tightly around her neck. A strip from around the bottom of her underskirt was tied around her neck, too. He knew it was from her underskirt, because the lace on it matched the lace on her skirt, and a strip was missing there. The hands were folded beneath the body, but were not tied. He described the surrounding circumstances that he found—a lock on a staple near the back door, the staple having been pulled out. The negro night watchman's lantern was of an ordinary type, said he, and had not been cleaned in some time, its globe being dirty and its light dim. Lee, the negro, told him that he (the negro) rarely went into the basement, but gave a reasonable excuse for his presence there when he found the body.

GAVE LITTLE INFORMATION.

Sergeant Brown testified that Newt Lee gave them little information upon their arrival at the pencil factory. He said that the negro did not tell them whether he had touched the corpse.

He was questioned as to who had telephoned to Frank, and he said that Officer Anderson endeavored to reach Frank over the phone. The officer told central that a girl had been murdered and that it was of utmost importance that he be given the number that he asked. But although this

number was rung repeatedly, he got no answer. It was not until much later Sunday morning that the police were able to get into communication with Frank.

He testified that the negro would have found it almost impossible to see the body from the position in which Newt Lee said that he was standing at the time he made his grewsome discovery.

He continued his testimony by saying that the girl's clothing was badly disordered and torn, and that the cord around her neck looped in the back. The band which was also bound round the neck was in two pieces which had been tied together. The tongue, he said, protruded an inch, and the blood upon the face was cold.

In his opinion the band from the underskirt had been tied about the neck before the rope, and that Mary Phagan was strangled to death.

CLOTHES ARE EXHIBITED.

When his testimony had been concluded a dramatic incident took place. The clothes that the girl had worn were brought forward for the jury to see, and were placed in a heap on a chair. There was a commotion at the side of the room. The brother of Mary Phagan rose, and for a moment remained staring at the heap in the chair. Without speaking, he clasped his hands to his head and pushed his way from the room.

Officer Anderson was recalled and testified that he found the body lying face downward, although Newt Lee had said that the body lay face upward.

He said that the legs of the body were not stiff, and that blood in the hair was still moist. Blood, he said, was still flowing from the body. According to his testimony, the head of the body lay toward Forsyth street, and there were signs in the cellar of a struggle.

The clothes which were shown to the jury consisted in a one-piece purple dress, with white trimmings. Only one shoe, a black gun-metal slipper, was displayed.

HE FOUND THE NOTES.

Sergeant L. S. Dobbs identified the two notes as having been found by himself near the body. One was written on yellow paper, the other on rough scratch pad paper. The elevator shaft, said he, is

distant about 150 feet from where the body was found. He told of the minute examination that had to be made to determine whether or not the body was that of a white girl. Her hands looked as if she had been dragged face downward.

On the back of her head at the left was a wound. Cuts were on her face and forehead. The sergeant said he called Newt Lee, the negro, to him and said: "You did this or you know who did it." The negro denied any guilt, said the sergeant.

The sergeant said that then he read one of the notes to the negro, with a sentence like this:

"Mommer: Tall black thin negro did this. He will try to lay it on night—"

The sentence came to the end of a line there, said the sergeant.

"That means me," the sergeant said the negro night watchman said immediately. "The night watchman."

Later, said the sergeant, he stood where the negro said he was standing when he saw the body and tried to see it. He even went so far as to have a fellow officer lie down where the body had been. But though it was daylight, he barely could discern the officer there, said the sergeant; nor would he have seen him at all had not been looking particularly toward that spot with a definite purpose. By the light of a dim lantern, it would have been practically impossible for the negro to have stood where he claimed, said he, and seen the body in the gloom partially behind the corner of the partition and slightly below floor level.

The staple taken from the rear door could not have been pulled off save from the inside, said he. A piece of iron nearby might have been used to prize it out, said he.

Sergeant Dobbs, in reply to a question as to whether he thought the body had been dragged, said that after daylight had come he noticed a trail leading from the elevator shaft to where the body had been found.

COULDN'T HAVE CARRIED BODY.

In his opinion an ordinary man could not have carried the body down the ladder to the basement. The elevator, Sergeant Dobbs said, was on the first floor, on the Forsyth street level.

The girl's left shoe, Sergeant Dobbs said, was found alongside her hat on a garbage pile about 100 feet from the elevator and about 50 feet from the body. The boiler, in which there was no fire, was also about 100 feet from the elevator and 50 feet from the body, alongside the trail.

The notes, the witness said, were found almost together near the head, about two feet from the partition. There was no opening in the partition that he saw.

Sergeant Dobbs said that when he entered the basement he was three or four feet from the body before he saw it. The negro was leading the way, he said.

Sergeant Dobbs said the body was cold when he first saw it. He felt of the face and hands and knees. The finger joints were not stiff and could be worked back and forth easily, he said. Having had no experience with dead bodies, the witness said he could not estimate how long the girl had been dead when he found her.

NO ONE IN BUILDING, HE SAID.

Sergeant Dobbs said the negro told him no one had been in the building since he started to work at 6 o'clock Saturday night.

The girl's body was taken from the basement out the back way by the undertaker's. Sergeant Dobbs said, some time after daylight—about 6 o'clock Sunday morning, he thought.

Britt Craig, a newspaper reporter, was then called.

At 11:45 o'clock the negro night watchman, Newt Lee, was called to the stand by the coroner.

He said that he lives at 40 Henry street. Usually he went to his work about 6 o'clock as night watchman at the pencil factory, he said. Last Friday Mr. Frank, the superintendent, told him to come earlier, at 4, on Saturday, saying it would be a half holiday. Mr. Frank spoke to him two or three times about it during the day, said he. He appeared at the factory at 4 o'clock, accordingly, and

found the street door unlocked but the double doors leading to the plant were locked. He has keys to the front and back of the factory, said the negro.

FRANK LETS LEE GO.

He went into the office and Mr. Frank came into the outer office from the inner office, rubbing his hands.

"I'm here, sir," the negro said he remarked to his employer.

"I'm sorry, Newt, that I had you come here so soon," the negro said Mr. Frank told him. "Go out and have some fun. Come back in about an hour and a half, but don't stay later than the usual time"—6 o'clock.

The negro said he left and returned at 6 o'clock.

The negro said that after coming to work each evening at 6 o'clock he punched the time clock, and started on his rounds of the four floors of the factory. Those rounds usually took him half an hour, he said, exclusive of the basement. If the half hour had not quite expired when he reached the clock, sometimes he went to the basement, too, said he; otherwise he omitted the basement and resumed his round.

COULDN'T SEE INTO OFFICE.

The negro said that usually Mr. Frank called him into the office, and that it was contrary to the usual custom when Mr. Frank came out into the outer office and met him. He couldn't see into the office, said the negro, or tell whether there was anybody else inside.

The negro said he left, going up Forsyth street to Alabama, east on Alabama to Broad, across the bridge, along Viaduct way to that Whitehall viaduct and down the street into Wall street and along that street to Central avenue, where he found a big fat man selling some sort of medicine. The man had some negroes there, eating [1 word illegible] and dancing, said Newt Lee. He stayed there until time to go back to work, and got back to the factory two or three minutes, or perhaps four minutes, before 6 o'clock. Mr. Frank was still there. He started to punch the clock. Mr. Frank told him to wait, that there had been only two or three there that day and the slip had been taken from the clock. Mr. Frank came out and the two of them put the slip back on, said the negro, and he punched the clock

at 6. Mr. Frank went back into the office, said the negro, and he himself went back downstairs to close the doors. At the street door he met Mr. Gantt, formerly a bookkeeper in the office, said the negro. Mr. Gantt wanted to get in and get some old shoes that he had left there. The negro told him it was against the rules, but that if Mr. Frank, who was upstairs, said no, he would let Mr. Gantt in.

At Mr. Gantt's request that he ask Mr. Frank, he turned from the door, and saw Mr. Frank just coming down the stairs from the office and machine room floor. Mr. Frank looked scared, said the negro, but he thought it was because he was afraid Mr. Gantt might have come there "to do him dirt," because Frank and Gantt had quarreled and the former had discharged the bookkeeper some weeks before. Mr. Gantt stated his case to Mr. Frank. "What kind of shoes were they?" Mr. Frank asked. "Tan," Mr. Gantt replied. "I think I saw the negroes sweeping them out this morning," said Mr. Frank, "But I had some black ones, too," said Gantt. "All right, Newt," said Mr. Frank. "Take him up there and stay with him." Mr. Frank went on out, said the negro, and he went up into the office with Mr. Gantt and got the shoes. The negro gave him some little red twine and some paper to wrap the shoes up. Mr. Gantt wanted to use the telephone, and the negro told him to go ahead. Mr. Gantt called some lady. "I know it was a lady because I heard him call her name," said the negro. He couldn't remember the name. Mr. Gantt told her he would be home about 9 o'clock or a little later. He talked some time, then hung up the receiver and left. The negro locked the street doors behind him, and then because Mr. Frank had told him to watch Mr. Gantt, he stood there at the glass door and watched him leave. Mr. Gantt crossed the street, passed in front of the saloon there, and went on off up the street, said the negro.

The negro said that he did not see Gantt at 4 o'clock when he first came to work. He did not watch Mr. Frank when he left, said the negro. Frank had a key to the building and could have returned while the negro and Gantt were upstairs. The negro said he did not go to the basement when he first came at 4 o'clock. He was asked if there was a rug carpet in Mr. Frank's office, and replied no. He knew because he cleaned it every night.

Mr. Frank offered him some bananas when he was there the first time, said the negro, but he declined the fruit.

GANTT THERE HALF AN HOUR.

It took Gantt "no time at all" to find the shoes, said the negro. Gantt was in the building about half an hour. He did not know where Mr. Frank was during this time. He thought Mr. Frank walked away

from the building toward Alabama. The first time he ever saw Mr. Frank, said the negro, was when he came to work there about three weeks before the crime.

After making the rounds of the building, or about 7 o'clock, he went to the basement, said the negro.

Machinery is on the second floor and on the top floor. Gantt got the shoes out of the shipping department near the clock on the second floor.

Lee said he went to the basement by way of the ladder through the trap door. A gas light always burned near the foot of the ladder. The gas was not as high as he had left it at 7 o'clock that morning. It had been turned down to about the size of the lightning bug. He received a phone message from Mr. Frank between 7 and 8 o'clock. Other members of the force had called him on previous nights occasionally, but this was the first that Mr. Frank had called him. Mr. Frank asked if everything was "all right," and the negro replied, "So far as I know."

BODY WAS FACE UP.

The negro said that the body was lying face up when he discovered it.

Other witnesses who came later swore it lay face down when they found it.

This contradicted the evidence of all the policemen.

He was asked the point blank question by the coroner:

"Why did you turn it over?"

"I didn't turn it over," said the negro.

He said he punched the clock every half hour during Saturday night.

"What did Mr. Frank say on Sunday about that clock not being right?" he was asked.

"He said it was all right," replied the negro.

He was asked to repeat his story of how he found the body. He went down the ladder to go to the basement, and went into the toilet, leaving his lantern in front of it upon the ground.

On coming out, he saw the body of the girl lying on the ground around the corner of the partition. It looked very vague, and he thought somebody had put something there to frighten him. He found the body lying on its back with the head turned toward Madison avenue (exactly the reverse of the position the officers found it in). He saw blood on the face and knew by the straight hair that it was the body of a white woman.

"It scared me, that body there," said the negro, "and I called up the station house."

"How did you know the number?" asked the coroner.

Mr. Frank had given it to him, said the negro, for use in case of fire or anything unusual. "He gave me his own number, too, to call him up in case I wanted him."

The coroner asked him if he touched the body when he found it.

He said, "No, sir, I did not."

He did not go back to the basement until the police came.

He went through the machine room in which the girl was supposed to have been attacked, every 15 minutes, in making his rounds of the building. He had to pass through it, he said, on his rounds.

PUNCHED CLOCK REGULARLY.

In answer to a question, the negro said that Mr. Frank and Mr. Darley told him that he had punched the clock regularly. He thought that was on Sunday after he had been arrested, said the negro.

Answering another question, the negro said that he did not know when it was that he told the police of Mr. Frank having let him off, Saturday afternoon, or of Mr. Frank having telephoned to him later.

Answering another direct question, the negro said that when he returned with the police the body was "just the same" as when he first saw it.

The negro admitted that he said over the telephone that the body was that of a white woman. His lantern had been cleaned Friday, he said, and was in fairly good condition. He had never seen the dead girl before he found her body. The girls employed in the factory always left before he came to work, and he left before they came back. The factory work stopped each day at 5:30 o'clock, and he came on duty at 6 o'clock. He had seen the back door open in the daytime, he said, and he thought the fireman—a negro named Knollys—had a key to it.

Policeman Anderson corroborated the negro's statement about the gas jet being a very dim light.

GIRL AND MAN NEAR FACTORY.

J. G. Spier, of Cartersville, in Atlanta Saturday, testified that he walked from the Kimball house down Forsyth street to the Terminal station with a friend Saturday afternoon and reached the Terminal station at exactly 3:50 o'clock. When he went by the National Pencil company's place, on his way back from the station, he saw a girl apparently about seventeen years of age and a white man apparently about twenty-five years of age, and both seemed slightly excited. The girl was nervous, and was twisting her hands, and he thought the man had been drinking. They were standing near the street door of the factory. He went on down to Five Points, he said, and later went back by the Western Union office on Forsyth street, and at about twenty minutes to 5 o'clock he passed the man and the girl again. The girl was standing right by the door of the pencil factory. He saw the same girl Sunday morning at Bloomfield's undertaking establishment. There was no doubt in his mind that it was the same girl, despite the disfigured and swollen features of the corpse. He couldn't be sure about the man. A man pointed out to him by an officer as "Mr. Frank" had the same "outline" as the man he saw on Forsyth street. This man was pointed out to him on Sunday morning. About 8:30 o'clock he went to the factory where the detectives were making their investigation. We went there with a policeman, to whom he had told the story of the excited couple he had seen. He was on a Fair street car reading a newspaper extra, and got off the car and talked to an officer. He could not describe the complexion of the man whom he saw with the girl. He, Spier, is five feet and eleven inches in height, he said, and he thought the man with the girl would come about to his shoulder. He could not identify the clothing which had been worn by Mary Phagan, on the table. As well as he remembered, the girl had on a light cloak. He did not notice whether she wore a hat or not. He thought her hair was dark. He was in Atlanta on personal business, he said.

The Inquest adjourned at the conclusion of Mr. Spier's testimony, until 2:15 o'clock.

DETECTIVES ELIMINATE EVIDENCE IN CONFLICT WITH THEORY THAT PHAGAN GIRL NEVER LEFT FACTORY

Atlanta Journal

Thursday, May 1st, 1913

All Efforts Will Be Concentrated at Inquest Thursday Afternoon to Show That Testimony of Witnesses Who Claim to Have Seen Girl After She Entered Factory on Fatal Day is Vague and Indefinite and Contradictory

*NIGHT WATCHMAN EXPECTED TO TAKE STAND AND GIVE INFORMATION HERETOFORE
WITHHELD*

This Intimation Came From Detectives Thursday Morning After the Watchman Had Been Vigorously Questioned Behind Closed Doors for More Than an Hour—Women Employees of Factory Will Be Called—Witness Admits Mistake



THE big picture in the center shows the head of the detective department, Chief Newport A. Lanford. To his left is John R. Black, city detective, who was largely instrumental in convicting the Druid Hills murderers. On the extreme left at the top is Detective Pat Campbell, and below him is J. N. Starnes. To the right of the chief is Harry Scott, of the Pinkertons, who are working on the mystery. The top picture at the extreme right is City Detective S. L. (Bass) Rosser, and below is Detective W. F. Bullard.

Detectives investigating the case

When the coroner's jury reconvenes Thursday afternoon at 4:30 o'clock the city detectives will endeavor to eliminate all testimony which tends to refute the theory that Mary Phagan never left the National Pencil company's factory after she went there to collect her two days' wages last Saturday about noon.

The testimony of Edgar L. Sentell, employee of the Kamper's grocery company, has been a stumbling block in the way of the case from the very first. The detectives have never believed that Mary Phagan left the factory, yet they were confronted with Sentell's positive statement that he saw and spoke to her between 11:30 and 1:30 o'clock Saturday night.

At Wednesday's inquest he said that he was positive that he saw the girl, and said that he believed her companion was Arthur Mullinax.

SAYS SENTELL WAS IN DOUBT.

Thursday, however, D. W. Adams, a trolley car motorman, came to Chief Beavers and told him that he heard Sentell say shortly after he had testified at the inquest, that he was not certain that the woman he saw was Mary Phagan.

"It might have been Miss Pearl Robinson," Adams quotes Sentell as saying just a short time after he swore positively that he saw and spoke to Mary Phagan. Miss Robinson, was at the inquest, was wearing on Saturday evening a dress very much like the one Mary Phagan wore, and earlier in the evening she and Mullinax says they were together.

Detective Starnes and Campbell have convinced J. L. Watkins who testified that he saw Mary Phagan Saturday afternoon about 5 o'clock that he was mistaken and that the girl he really saw was Miss Daisy Jones, who lives at the corner of Fox and Lindsay streets. Miss Jones will be at the inquest Thursday afternoon and Watkins will take the stand to make the statement that his first testimony was in error.

In demonstrating to Mr. Watkins that he had seen Miss Jones instead of Mary Phagan, the detectives got Miss Jones to put on the same clothes she had on Saturday afternoon and took her out on the street where Mr. Watkins had seen her. Watkins was immediately convinced that Miss Jones was the girl he had seen.

Before the hour of convening of the inquest a number of detectives were engaged in talking to employees of the factory about general conditions, especially with references to the conduct of the men, employees and employers alike, toward the women who worked there.

A number of former employees were among the people who were in conference with the detectives.

SIXTH ARREST MADE.

A sixth arrest in the Phagan murder case was made by detectives at 2 o'clock Thursday. James Connally [sic], a negro "sweeper" employed at the National Pencil factory, was seen washing a shirt at a faucet in the rear of the building. Before he had completed the work detectives who had been phoned, walked in and placed the man under arrest. There were certain marks on the man's shirt. He claims that they are "rust" marks. The detectives will hold him, at least until a chemical analysis can determine for certain whether or not the stains were caused by blood.

The negro declared to the police that the shirt was the only one which he possessed and that he washed so he could appear in it at the inquest, to which he had been summoned. His statement is believed by the police.

NEW INFORMATION SECURED.

A report that Newt Lee, the night watchman, has given the detectives much additional information was current at police headquarters Thursday morning, and was not denied by the officials working on the case. Lee went through another hour's examination Thursday morning, and when he was locked in his cell again orders were given that he be allowed to communicate with no one.

It is now reported that he will go before the coroner's jury, when it convenes again at 4:30 in the afternoon.

The detectives intimate that Lee has given them new information which will materially help them in solving the mystery of Mary Phagan murder. It bears out the theory, they say, upon which they have been working for the past two days.

Shortly after 9 o'clock Thursday morning Lee was brought from his cell at the office of the chief of detectives. There he was examined for an hour by Chief Lanford, Chief Beavers, City Detectives Black and Rosser, and Harry Scott, the Pinkerton representative.

FACTORY GIRLS TO TESTIFY.

Coroner Paul Donehoo has announced his intention of summoning practically every woman employee of the National Pencil Factory, and many of the men, before the jury, which will resume the investigation of the death of little Mary Phagan on Thursday afternoon at 4:30 o'clock.

Trouble, expense and inconvenience cannot be considered in making an investigation in a case of such paramount importance, the coroner declares, and it is possible that some fact of the greatest importance may be developed by thoroughly examining the employees of the factory.

Probably some of the girls there have in their possession facts that would lead the detectives directly to the murderer, yet the girls holding this information may have no idea of its importance.

Coroner Donehoo told Chief of Detectives Lanford of his decision early Thursday and that official immediately offered the coroner two of his men who will serve the subpoenas.

According to the present plan the detectives will secure from the management a list of the employees. Their names will be written on the subpoenas, which the detectives will immediately serve.

Repeated rumors that employees of the factory know more than has ever been developed by the officers, has led, it is said, to the necessity of continuing the probe among them.

Of especial value is the coroner's inquest for when the witnesses go before it they are placed under oath, and if their stories vary at the trial of any party, who may be indicted for the crime, then the record of the coroner's investigation may be produced.

It is said that there are between sixty and eighty women and about 104 male employees of the National Pencil factory.

MAY EXHUME BODY.

Coroner Paul Donehoo is considering the advisability of having the body of Mary Phagan, interred at Marietta Monday, exhumed in order that physicians may make an examination of the contents of her stomach.

The coroner took the matter up, following a conference with D. G. Buchanan, formerly a sergeant of police at Augusta. Mr. Buchanan, who is now in business in Atlanta, advances the theory that Mary Phagan was drugged early in the afternoon, and that the tying of the cord and piece of her underskirt about her neck was either a simple "stall" or was done for the purpose of moving the body around by someone, who feared that he would bloody his clothing if he touched it.

FRANK REGRETS DELAY.

Leo M. Frank, when seen by a Journal reporter Thursday morning, said that he has no statement to make until his testimony is given before the coroner's jury, which will probably be at the afternoon session this Thursday.

Mr. Frank said that a complete stenographic statement had been dictated by him, and that he was anxious to have this before the jury.

He looked worn and tired, but declared that he regretted the delay and was anxious to have his testimony introduced as he was confident the coroner's inquest would completely establish his innocence.

UNCLE TO AID HIM.

It was learned Thursday that Moses Frank, one of the city's substantial citizens, is returning to Atlanta today to assist his nephew, L. M. Frank, in establishing his innocence of the crime with which his name has been linked by the charges of suspicion. Mr. Frank had started to Europe, but was reached by wire in New York and immediately started back here, giving up his journey. L. M. Frank is said to be a favorite nephew and the probable heir to his fortune.

The coroner's investigation of the murder of little Mary Phagan at the National Pencil factory Saturday or Sunday, will be resumed at police headquarters at 4:30 o'clock Thursday afternoon, and the principal witness is expected to be L. M. Frank, superintendent of the factory, who is being detained by the police.

When the inquest, which had been in session from 9 o'clock in the morning, adjourned for the day Wednesday at 6 o'clock, the mystery of Mary Phagan's death had not been solved, and the crime was far from fixed on any individual.

Coroner Paul Donehoo expects to hold a long night session Thursday. He fixed the hour for the reconvening of the inquest at 4:30 o'clock in order that the city detectives might utilize the entire day in their hunt for evidence which may tend to throw additional light on the factory tragedy.

WEDNESDAY'S SESSION.

G. W. Epps, a fifteen-year-old, [1 word illegible] boy, who says that he lives just around the corner from the dead girl's residence proved one of the most interesting of the witnesses heard by the coroner's jury at Wednesday afternoon's session. Epps, who rode to town with Mary when she went to the factory to get her earnings for two days' labor, was to meet her again at 2 o'clock at Five Points, and they had arranged to watch the Memorial day parade together.

Coming in on the car, he declared that Mary told him that Mr. Frank had winked at her and looked "suspicious." She requested him, he said, to meet her at the factory whenever he could.

Edgar L. Sentell, of 82 Davis street, was positive that he saw Mary with a male companion on Forsyth street, near the factory between 11:30 Saturday evening and 12:30 o'clock Sunday morning. They spoke to each other, he said.

Sentell was not quite positive that her companion was Arthur Mullinax, the former street car conductor.

Another witness, a neighbor, claimed to have seen her near her home at 5 o'clock Saturday afternoon, while still another witness who had told the detectives that he saw Mary the afternoon of the tragedy, appeared at the inquest and declared that he was mistaken. Miss Pearl Robinson, who had also been summoned as a witness, was the girl he saw, he declared.

FACTORY EMPLOYEES TESTIFY.

Three employees of the factory were among the witnesses of the session. One, R. P. Barrett, found the blood splotches near Mary's machine on the second floor, which show that there instead of in the dark basement she commenced her fight for life. Harry Denham and Arthur White, the two young men who worked on the fourth floor of the factory from 7:30 until 3 o'clock Saturday, were the other witnesses. Mr. Frank, they said, came up to their floor shortly afternoon and when told that they couldn't complete their work by 1 o'clock locked them in the building until about 3 o'clock, when they left him there.

J. M. Gant [sic], another of the men held by the police in the case, was on the stand, and he told on oath practically the same story that he has so often told to the detectives and reporters.

J. W. Coleman, of 146 Lindsay street, step-father of the murdered girl, told the pathetic story of the anxiety of her mother and himself when she failed to appear at home by dusk, Saturday evening. Coleman declared Mary Phagan would have been fourteen years old had she lived until the first day of June.

Frank M. Berry, assistant cashier at the Fourth National bank, was one of the important witnesses at the hearing, and he declared that in his opinion the notes found by the girl's body were written in the

same hand as several other notes, which had been written at police headquarters for the detectives, by the negro watchman, Newt Lee.

WAS FACTORY A RENDESVOUZ.

Repeated questions from the coroner and the members of his jury attempted to bring from many witnesses the statement that the pencil factory had been visited often after working hours by men and women.

No witness before the jury admitted having seen couples enter the place after dark, but it is said that when the jury continues its investigation Thursday several persons who claim to have seen men and women enter the building at night, will be called.

Miss Pearl Robinson, of 133 Bellwood avenue, testified that Arthur Mullinax was with her the greater part of Saturday evening, and it is extremely probable that Mullinax will be released immediately upon the closing of the coroner's probe.

Expert embalmers from P. J. Bloomfield's establishment will probably be called before the coroner's jury Thursday afternoon, and they will give it as their opinion that Mary Phagan had been dead ten hours or more when they received the body.

The undertakers were called about half an hour after the arrival of the police at the factory, or shortly after 4 o'clock Sunday morning.

SOLICITOR DORSEY IS MAKING INDEPENDENT PROBE OF PHAGAN CASE

Atlanta Journal

Friday, May 2nd, 1913

Outside of Solicitor's Activity There Have Been No Developments Since the Suspects Were Transferred to Tower

GROUNDLESS RUMORS DENIED BY OFFICIALS

Chief Lanford's Busy Running Down Tips—Coroner's Inquest Will Be Resumed on Monday Afternoon at 2

The Atlanta Journal has published every fact and development in connection with the mysterious murder of Mary Phagan. The Journal will continue to print news of further developments and additional evidence as the investigation proceeds. No fact has been suppressed nor will any news relating to the hunt for solution of the crime be withheld from the public. Many silly reports about a confession having been made by one or both of the prisoners held on suspicion in the case have been circulated, but they are without the slightest foundation.

AN INDEPENDENT INVESTIGATION.

Forces in the employ of the solicitor general, Hugh M. Dorsey, are making an independent investigation of the Phagan murder case, it was learned Friday.

The solicitor general refuses to state just how many men he has at work on the mystery or who they are. They have developed nothing, however, which he is willing to give out for publication.

The city was filled with foolish rumors throughout the morning Friday and officials were called upon to deny dozens of groundless reports.

Coroner Paul Donehoo, who has more than 100 witnesses subpoenaed, declares that the inquest will certainly be resumed at 2 o'clock Monday afternoon. The coroner says that the investigation is as thorough and exhaustive as it is possible to make it and every report that reaches him is being probed.

"It is not surprising," said the coroner, "that the mystery has not been solved by this time and the fact that the crime cannot now be laid at the door of any individual and that person brought immediately to trial is no indication that the guilty party will never be brought to justice. In many instances, where the detectives have had as little to start with as in this case, it has taken them months to finally establish the guilt of the right party."

MANY DETECTIVES AT WORK.

In addition to the city detectives, the Pinkertons employed by the National Pencil company, and the officers employed by the solicitor general, it is said that many other private detectives are working on the mystery.

Colonel Thomas B. Felder has been employed by a number of citizens living in the vicinity of the home of the slain girl, to assist the state in the case, and while he will make no statement it is reported that he has a private detective agency trying to solve the mystery.

Solicitor Dorsey was in conference on Friday with a number of the city detectives, who have been assigned to the task of finding Mary Phagan's murderer, and the fact that he has actively entered the case is considered the most important development of Friday.

There will certainly be no grand jury action in the matter, however, until Monday. The grand jury, which has been on duty for the past two months, was discharged Friday, and another grand jury will not be organized until Monday.

DETECTIVES NOT TALKING.

Following the transfer of Leo M. Frank, superintendent of the National Pencil factory, and Newt Lee, nightwatchman, to the county jail from police headquarters on coroner's warrants late Thursday afternoon, and the release of J. M. Gantt and Arthur Mullinax, Chief of Detectives Lanford has issued instructions to his men to talk with no one about the case, and to make direct reports to him. The chief is himself very reticent about developments in the case. He declares that his orders were issued because the few statements made by himself and his officers have been repeatedly exaggerated, and in many instances he and his men have been misquoted.

The transfer of the two principal figures in the case to the tower has resulted in things again assuming a normal attitude about police headquarters. The detectives Friday morning were busy running down the many rumors and "tips" which have come to their ears. The officers are literally bombarded by "tips," and despite the fact that practically all of them prove valueless when investigated, the officers have scattered in every direction, shifting every report to the bottom.

NO NEED FOR MILITIA.

On reports from sources which he considered reliable, Governor Brown Thursday night advised Adjutant General Nash to communicate with officers of the Fifth regiment with a view to having the national guard in readiness should the necessity arise.

The governor states that he did not go to the extent of suggesting that the national guard be mobilized. He simply recommended that the adjutant general request the officers of the regiment to be prepared for such steps, in the event current rumors were to materialize.

The governor also communicated with the jail authorities and with the police.

In carrying out the suggestion of the executive, Colonel E. E. Pomeroy gathered a few members of the Fifth regiment at the armory. No efforts were made to mobilize troops and by 11:30 o'clock those who had reported were allowed to return to their homes.

In the meantime an investigation had developed that the rumors were groundless. Deputy sheriffs in automobiles rushed over the entire city looking for any excitement, and they declare that never had Atlanta been more quiet.

REASON FOR TRANSFER.

Mr. Frank and the negro Lee were transferred to the tower on the coroner's warrants, because, it is said, there is considerable doubt of the legality of holding them at police headquarters, as both have been arrested in connection with a state, not a city case.

The warrants are similar in all respects, save that in one Leo M. Frank, superintendent of the pencil factory, is named, and in the other Newt Lee, the negro night watchman, is named.

The warrant against Mr. Frank reads as follows:

"Georgia, Fulton county:

"To the Jailer of Said County: Greetings:

"You are hereby required to take into custody the person of Leo M. Frank, suspected of the murder of Mary Phagan, and to retain the said Leo M. Frank in your custody pending a further investigation of the death of said Mary Phagan, to be held by the said coroner of said county.

"Herein fail not.

“Given under my hand and official signature this the first day of May, 1913.

(Signed)

“PAUL DONEHOO,

“Coroner.”

INQUEST DELAYED.

Mr. Frank and the nightwatchman were transferred to the tower immediately after Coroner Paul Donehoo swore his 160 witnesses, the employees of the pencil company, and adjourned the inquest until 2 o'clock next Monday afternoon.

The coroner's decision to postpone the inquest from Thursday afternoon until Monday afternoon was reached after a conference with Chief of Police Beavers and Chief of Detectives Lanford. The reason assigned for the postponement is a desire to give the detectives additional time to work on the case.

MULLINAX GOES FREE.

Arthur Mullinax, the young man who has been in jail for several days, held on the statement of E. L. Sentell that he (Sentell) saw Mullinax and Mary Phagan walking on Forsyth street about midnight Saturday, has been completely exonerated.

Mullinax took his release calmly, as he did his arrest.

“I have never been worried,” he said, “for I knew I was innocent and was confident that in a little time everybody else would know it, too.

“I am not sore because I have been arrested. If that girl had been my sister I know that I would have wanted the officers to lock up every man against whom there was any suspicion, and hold him until things cleared up.

“I guess I have lost my job—that's the only thing which worries me.”

Chief Lanford told the released man that he would make a personal effort to see that he got his position back. Mullinax has been working with the Towel Supply company.

GANTT ALSO LIBERATED.

The release of J. M. Gantt followed that of Mullinax.

When habeas corpus proceedings were started for Gantt by his attorneys he was transferred from headquarters to the Tower, and Chief Lanford had to get an order from Judge George L. Bell, of the superior court, before he had authority to release the man.

The warrant drawn against Gantt in Justice F. M. Powers' court has been dismissed.

MANY THEORIES OFFERED.

Theories of how Mary Phagan met her death and by just what system her murderer can be brought to justice are flooding the office of the detectives. People are calling over the phone to tell the officers just how they should proceed. Many of them come in person, and the office is in receipt of hundreds of letters from this and half a dozen other states, giving advice and theories.

Many of the letter writers are anonymous, but most of the people sign their names. Several letters have been received from "criminologists," who are willing to divulge their theories only for money. Several letters have come from "seers" and "mystics," who have communed with the spirits and learned in that way the "identity" of the murderer.

Among the interesting callers at police headquarters Friday were two ladies, who have dreamed about the murder. Both say that they distinctly saw Mary Phagan in her desperate battle with the murderer.

The ladies arrived within a short time of each other, but their dreams didn't coincide. Both gave the chief accurate descriptions of the murderers of their dreams.

FRANK IN GOOD SPIRITS.

Mr. Frank got a good night's sleep Thursday night and Friday, he was in a cheerful frame of mind. Many friends called to see him during the day and Mr. Frank talked to them freely. He is confident

that when the coroner's investigation has been concluded his absolute innocence will have been established.

PINKERTONS AFTER TRUTH.

The position of the Pinkerton detectives, employed by the National Pencil company, in the murder case, has occasioned considerable comment about police headquarters.

When asked about the matter, Harry Scott, the representative who is working on the mystery and assisting the city officers, declared that he and his men were out simply after the truth.

"It doesn't matter whom it hits," said Mr. Scott, "we want to do everything in our power to find the guilty man, and if we find him we are going to give every bit of our evidence to the state authorities, and lend our assistance in securing his conviction.

"This is just like any other case with us, and in all of them we go after the facts regardless of whom they help or hurt.

"When, for instance, we are investigating a bank robbery and find that the crime was committed by an employee or an official, we disclose the facts just as if the guilty man had been a highwayman."

Two additional Pinkerton men went to work on the case Friday, assisting Mr. Scott and the city detectives.

DETECTIVES CONFER WITH CORONER AND SOLICITOR DORSEY

Atlanta Journal

Saturday, May 3rd, 1913

Following Meeting Lasting Two Hours, Officials Investigating Murder Mystery Visited Scene of Tragedy

NO CHANGE IN PLANS FOR INQUEST MONDAY

Progress Has Been Made In Developing Evidence, It Is Said, but its Nature Has Not Been Divulged

The three central figures in the investigation of the Phagan murder case—the solicitor general, the coroner and the chief of detectives—held a conference Saturday morning, which lasted for more than two hours. The officials discussed the evidence in the case and the many theories which have been advanced, but refused to divulge any definite information about the long conference.

It is said, however, that the officials have decided to lend their efforts towards building their case on the ground that Mary Phagan never left the pencil factory.

New evidence, strengthening this view, is said to have been developed during the day by Detectives Black and Scott and Starnes and Campbell, but they refuse to divulge its nature.

It is said to be improbable that the method of legal procedure in the investigation will be changed.

That is the coroner's inquest will be resumed Monday at 2 o'clock in the afternoon.

Dr. J. W. Hurt, the county physician, was one of the witnesses who conferred with the three officials at the solicitor's office Saturday morning, but he refused to discuss the case. Dr. Hurt made the examination of the dead girl's body.

M. B. Darley, general foreman of the National Pencil factory, and two young women employees were among the several witnesses examined by the officials during the conference. It is said that none of them disclosed events of importance.

VISIT SCENE OF TRAGEDY.

Following the conference, Solicitor Hugh Dorsey, his assistant, E. A. Stephens; the coroner, the chief of detectives and Detectives Black and Scott met at the factory, which had then closed for the day, and went over the scene of the tragedy. It was stated that the inspection trip was made simply in order that the solicitor general might be made familiar with the building, the different distances, and other physical points in the case.

RUMORS DENIED.

Chief of Police J. L. Beavers and Chief of Detectives Newport A. Lanford both positively denied Saturday morning that there has been a confession from either of the men held in the Tower in connection with the Phagan murder mystery.

They characterized the rumors of a confession, which have spread over the entire city, as idle gossip, which they say does a great injustice not only to Leo M. Frank, the superintendent of the factory, and Newt Lee, the night watchman, but to the men working on the case as well.

The two police officials, who have been constantly in touch with every movement in the case, declare that both Mr. Frank and the negro have not changed their statements that they know nothing about the crime in connection with which they are held.

Both officers deplore the wide circulation of the report of a confession and many other similar rumors, which, they say, are founded on no fact.

The elimination from the Phagan murder case of countless wild rumors and baseless reports has been occupying the time of the squad of detectives assigned to solve the Phagan mystery, by Chief Lanford.

NEVER LEFT FACTORY.

The detectives have been successful up to the present in showing that every report that Mary Phagan was seen after noon of last Saturday was without foundation. If the girl did leave the National Pencil factory in the basement of which her lifeless body was found at 4 o'clock Sunday morning by Newt Lee, the negro watchman, the detectives want to know it, for if this fact could be established what they term their "main lead" would be broken.

If Mary Phagan did not leave the factory after noon Saturday then the detectives have only to prove what transpired in the stone building and they will have solved the mystery.

CASE IS STRENGTHENED.

As the result of the elimination of so many conflicting reports the officers say that their main case has been strengthened; and Saturday morning, as the men started out for a day of hard work, they had an air of renewed confidence in their ability to solve the murder mystery within a short time.

All of the rumors had to be investigated, and now that most of them have been proved without foundation, the detectives consider that the case is less complicated than it was two or three days ago.

Several of the officers have been conducting a general investigation of the factory with particular reference to the treatment of the women employed by the officials and by the men who work there. While past occurrences there would probably be inadmissible in the trial of an individual for the murder of Mary Phagan, still the knowledge of past events might give the detectives a new clue or "lead," they say.

GIRL IN RED DRESS MAY FURNISH CLUE TO PHAGAN MYSTERY

Atlanta Journal

Sunday, May 4th, 1913

[The top part of this article is cut off including the headline and the sub-headings – Ed.]

A 17-year-old miss, [several words illegible] blonde and who weighs about [several words illegible] 140 pounds, and who was in [several words illegible] in Marietta last Wednesday afternoon wearing a dark red dress and a [1 word illegible] leghorn hat, may furnish the vital clue in the mystery of the murder of Mary Phagan.

Who is she?

Where does she live?

Is it true that she was the last friend of Mary Phagan's to see the murdered girl alive on Saturday afternoon, April 26?

She alone can answer. It is but a matter of hours until her identity is revealed.

If she knows what she is said to know, she can tell the officers of the law something that they are very anxious to learn.

Last Wednesday afternoon Miss Beulah Daniel, daughter of G. T. Daniel, of Mableton, Ga., was in a store in Marietta, making some purchases. She is quoted as saying that near her stood two girls, who also were making some purchases and who were talking as they looked over the goods offered to them. One of them was the girl already described above. Miss Daniel furnishes that description. She does not describe the girl's companion. They were discussing the murder of Mary Phagan in the National Pencil factory in Atlanta.

WAITED AT FACTORY DOOR.

The girl in the red dress related in Miss Daniel's hearing. It is said, a story that may prove the missing link of evidence that the detectives are seeking in their efforts to solve the mystery.

She said that she went to the pencil factory with Mary Phagan last Saturday afternoon when Mary called there to get her pay; that she waited at the street door of the factory; that half an hour passed without Mary returning, and she was beginning to grow impatient, when a man came to the door and told her she needn't wait any longer, for Mary had some work to do.

If the report is true, and the girl in the red dress did say what she is quoted here as saying, she can probably describe the man who came to the door of the pencil factory and told her that she needn't wait.

There may be the vital clue.

Here is how the trail of the clue was lost:

Miss Daniel, it is said, did not realize the import of what she had overheard. She returned to her home in Mableton later in the afternoon and repeated to her father what she had heard.

"That's exactly the evidence the police are looking," her father is said to have exclaimed. "Here is The Journal, this afternoon, asking the world 'Who saw Mary Phagan last?' We've got to find that girl!"

But their search, determined and interested though it was, resulted fruitlessly—except for one slight lead to further information. Someone in the store had heard the girl in the red dress say she was

going to catch the next car — leaving Marietta about 3 o'clock. No one in the store who had seen them knew her or her companion.

Atlanta detectives were informed, and it is known that they were at work upon the clue Friday and Saturday morning in Marietta. Their efforts were in vain, however—but they spread a net of inquiry which today is reaching out to cover the entire territory between Marietta and Atlanta—all to locate the girl who wore the red dress.

Somewhere in that 19-mile stretch of country, or perhaps within the 24 square miles of Atlanta's own area, she will be found.

If she, or anyone who knows her and can tell where she is to be found, reads this, let her or the acquaintance do one of two things—call The Journal by telephone, or call the chief of detectives in Atlanta. On Sunday The Journal's representatives can be reached at Ivy 1917-J. On week days the number is Main 2000. The chief of detectives number is Main 24.

CORONER RESUMES PROBE.

The coroner's jury probing the mystery of the murder of Mary Phagan, whose mutilated body was found in the basement of the National Pencil company's factory, last Sunday morning, will resume its inquest at police headquarters tomorrow afternoon at 2 o'clock.

Nearly 200 witnesses, many of whom are girl employees of the pencil company, have been subpoenaed and in addition to these it is expected that Newt Lee, the negro night watchman, and Leo M. Frank, superintendent of the factory, who are now in the Fulton tower, will take the stand.

Solicitor General Hugh M. Dorsey, who is carrying on a special investigation of the mystery, and E. A. Stephens, assistant solicitor general, had a conference yesterday afternoon, with Coroner Paul Donehoo, Chief of Detectives Newport A. Lanford, and Chief of police James L. Beavers. The conference lasted from 3 o'clock in the afternoon until nearly 7 o'clock. The two chiefs and the coroner went over all the details of the evidence secured so far with the solicitor general and his assistant.

WATCHMAN TO TESTIFY.

It is expected that the first witness who will take the stand when the inquest is resumed tomorrow afternoon will be Newt Lee, the negro night watchman, who was one of the chief witnesses when the inquest was begun Wednesday. It is expected that Lee will give some testimony as to a conversation he is alleged to have had with L. M. Frank at police headquarters Wednesday night.

It is also expected that Mr. Frank will be called to the stand or that the stenographic statement he made soon after his arrest will be introduced as evidence.

It is understood that the coroner's jury will try to draw from the employees of the pencil factory evidence as to past relations between certain officials of the company and the employees.

Dr. J. W. Hurt, county physician who examined the body of the Phagan child, will be a witness.

THEY DIDN'T SEE GIRL.

J. L. Watkins, who testified on Wednesday that he saw Mary Phagan Saturday afternoon before the murder, will be recalled to say that he had mistaken Miss Daisy Jones for the Phagan child. E. L. Sentell, who testified that he saw Mary Phagan about midnight Saturday, will again take the stand to say that he has found he was mistaken.

Rumors were current last night that detectives have discovered attempts to influence the testimony of witnesses but none of these has been verified.

MORE ARRESTS IMPROBABLE.

It was stated at police headquarters last night that as far as could be seen at present, no further arrests in the case are contemplated.

In all probability startling evidence will be brought out when the inquest is resumed, but detectives have given no intimation as to what this will be.

A big corps of detectives have been working unceasingly on the case since the inquest was postponed from Thursday afternoon until Monday, and with the aid of the solicitor general it is suspected that by tomorrow several new phases will be brought out.

The new Fulton country grand jury will be empanelled tomorrow and it is probable that, in event the coroner's probe is finished Monday night, the cases will be taken up by the jury Tuesday.

CORONER'S INQUEST RESUMED 2:30 P. M.; FRANK WILL TESTIFY

Atlanta Journal

Monday, May 5th, 1913

Factory Superintendent Was Expected to Be the Chief Witness, Though 200 Others Had Been Subpoenaed

NEW GRAND JURY URGED TO PROMPT INVESTIGATION

A Thousand Violations of Law Against Vice Do Not Equal Crime of Mary Phagan's Murder, Says Judge Ellis

The jury empanelled a week ago by Coroner Paul Donehoo resumed its probe into the mystery of the murder of little Mary Phagan on Monday afternoon shortly after 2:30 o'clock.

Although police headquarters was crowded by nearly 200 witnesses, mostly employees at the National Pencil factory, where Mary Phagan met her death, it was said at the opening of the session that only a few witnesses would be called upon to testify.

The coroner, the chief of detectives and the solicitor general held a short conference just before the inquest was resumed.

It is said that the conference was held in order that the officials might reach a decision as to just what witnesses it will be necessary to bring before the inquest. It is said to be the desire of Solicitor Dorsey that the inquest may proceed without disclosing any more of the "state's hand" than is absolutely necessary.

L. M. Frank, superintendent of the factory, who is held in connection with the case, was expected to be among the first witnesses examined by the coroner's jury. It was also considered probable that

Newt Lee, the negro watchman, who is also under arrest in the case, would be recalled to the stand in order that the jury might ask him addition questions.

There was a possibility, however, of Mr. Frank being the only witness.

Luther Z. Rosser, attorney for Mr. Frank, said he would make no objection to Mr. Frank appearing before the coroner's jury and answering any questions that the jurors might wish to ask.

Should the inquest be concluded Tuesday afternoon, it is highly probable that the grand jury, which was empaneled Monday morning, will take up the Phagan case Tuesday, although no definite announcement has been made by the officials.

The detectives are said to have located another important witness, a woman who is said to have seen Mary Phagan at the factory last Saturday. It is said to be improbable, however, that this witness will be called Monday, and the officials are anxious to keep her identity a secret.

In his charge to the new grand jury, Judge W. D. Ellis, of the superior court, Monday morning called upon the jury to make an immediate and searching investigation of Mary Phagan's murder. He declared that a thousand violations of the law against vice would not equal in crime the mistreatment and death of this fourteen-year-old child, and that the case demanded the prompt attention of the grand jury.

Judge Ellis' reference to the Phagan case, taken verbatim from his charge to the jury, was: "The Mary Phagan case calls for your immediate and vigorous attention. The power of the state is behind you. What appears to be an awful crime has been committed, and the welfare of the community, the good name of Atlanta, public justice and the majesty of the law demand at the hands of this grand jury and of all officers of the law the most searching investigation and the prompt bringing to trial of the guilty party."

Solicitor Dorsey was seen after the judge's charge had been concluded and stated that in his opinion the Phagan case could hardly be taken up Monday. He thought it would probably be several days before the grand jury began its investigation, although he said it was possible for the jury to take the matter up at once if it saw fit to do so.

LANFORD'S STATEMENT.

"We have sufficient evidence to justify the coroner's jury in holding L. M. Frank and Newt Lee for further investigation by the grand jury," declared Chief of Detectives Newport A. Lanford Monday morning.

The detectives are still searching for the mysterious "Girl in the Red Dress," who stated in a store in Marietta last Wednesday that she was with Mary Phagan, when she went to the National Pencil company's factory on Forsyth street, Saturday a week ago to collect her wages for two days' labor.

Detectives Starnes and Campbell went to Marietta early in the morning Sunday, responding to telephone information given the officers as the result of The Journal's story Sunday.

Many people, who believed that they might be of assistance in locating the girl called at detective headquarters after reading The Journal's story, and as a result Chief of Police J. L. Beavers joined the detectives in his auto about 11 o'clock Sunday morning.

Chief Beavers stated on his return that the efforts to find the girl of the red dress had proved futile. This girl is supposed to have stated that she went to the factory with Mary Phagan and waited outside, while she went to get her money.

Soon she was notified by two girls who came down the steps, that Mary would be down in a few minutes. Later according to the story, a man came down and told her that Mary said not to wait as she would be busy half an hour or more.

NEW EVIDENCE CLAIMED.

It is said that important new evidence has been developed in the case. About this the detectives are reticent, and while they are not responsible for the statement, the general impression prevails that Solicitor General Hugh M. Dorsey is using every effort to prevent the public coming into possession of "the state's case."

A number of stenographers are busy at police headquarters making typewritten copies of the statements made by witnesses and principals in the case, and it is said that this work is being done in order that the case may be gotten before the coroner's jury in a tangible shape.

Dr. Claude Smith, city bacteriologist, expects to complete his analysis of the bloodstains before the inquest is resumed. Dr. Smith is making an analysis not only of the blood stains on the shirt found in a barrel at the home of Newt Lee, but of the blood stains found on the floor of the second story of the factory, the blood on the lathe at the factory, and also of the blood on the garments worn by the dead girl.

Dr. Smith's report will probably tell whether or not it is the same blood on the shirt and on the floor of the factory where Mary Phagan commenced her battle for life, and this will prove of great value to the police. The analysis is expected to have an important bearing on the case in many ways.

PINKERTONS AIDING.

A statement was given out at the office of the solicitor general Monday to the effect that Harry Scott, the Pinkerton on the case, has placed much valuable information in the hands of the solicitor.

Scott, with John Black, of the city force, was closeted with the solicitor for more than an hour Monday, and he gave the official a detailed account of the results of his investigation. Scott, like the general public, is being kept in ignorance of the results of the independent investigation, which is being conducted by the solicitor, Solicitor Dorsey is probably the only man who is now in touch with every phase of the investigation.

The solicitor's office seemed to consider the information disclosed by the Pinkerton man Monday to be of great importance to the state.

MYSTERIOUS LETTER.

A letter, that may have an important bearing on the case, has come into the possession of Harry Scott, of the Pinkertons. This letter was the subject of a conference between Scott and Chief Lanford Monday and it is believed the detectives regard its contents as important. It is understood that the letter is from the mother of a young man, who formerly worked at the factory and who may be able to give the detectives some information of value. The detectives declined to even admit that they had such a letter.

BODY IS EXHUMED.

The body of Mary Phagan was exhumed Monday by direction of Coroner Donehoo, who went to Marietta for the purpose. An examination of the contents of the stomach will be made for the

purpose of determining whether the child had been poisoned before she was attacked on the day of her death. It will probably be several days before this examination can be completed. The exhumation was done very quietly, and few people in Marietta knew anything about it.

L. M. FRANK'S COMPLETE STORY OF WHERE HE WAS AND WHAT HE DID ON DAY OF MARY PHAGAN MURDER

Atlanta Journal

Tuesday, May 6th, 1913

For Three Hours and a Half Mr. Frank Was on the Stand, Answering Questions About His Movements Every Hour and Minute of the Day—He Was Calm and Unruffled When Excused From Stand and Returned to the Tower

HE TELLS OF VISIT OF LEMMIE QUINN TO HIS OFFICE TEN MINUTES AFTER MARY PHAGAN RECEIVED WAGES

Introduction of Quinn Gives the Factory Superintendent an Important Witness, in Confirmation of His Statements. Only Three Witnesses Examined by Coroner at Session Monday Afternoon

For three hours and a half Leo M. Frank, general superintendent of the National Pencil factory in which Mary Phagan was murdered, faced the coroner's jury Monday afternoon and told minutely, detail by detail, in precise sequence, where he was and what he did during practically every minute of Saturday, April 26, Saturday night, and Sunday, April 27. When he had finished, his father-in-law, Emil Selig, was put upon the stand and questioned closely regarding what he knew of Frank's whereabouts and acts on those days. And after Mr. Selig had been excused, Mrs. Josephine Selig, his wife, was called to testify along the same line. These three witnesses occupied the entire session Monday, which was at work for almost five hours.

That Lemmie Quinn, foreman of tipping department, visited the National Pencil factory shortly after Mary Phagan is supposed to have received her pay envelope and departed, was an absolutely new feature in the murder mystery brought out by Mr. Frank's testimony.

While Quinn has never been on the stand he has corroborated Mr. Frank's statement in interviews with the detectives, and goes further by saying that he recalled his visit to the factory for the incarcerated superintendent.

Mr. and Mrs. Emil Selig, father and mother-in-law of Mr. Frank, with whom the latter lives, were the only other witnesses examined Monday afternoon before the inquest was adjourned until Thursday morning at 9:30 o'clock.

When Mr. Frank left the witness stand at 6:20 o'clock, after three hours and a half of examination, he stated to a Journal reporter that he was not tired. He seemed none the worse for the ordeal he had just gone through. He was at once transferred to the tower.

Leo M. Frank, superintendent of the National Pencil factory, was the first witness when the inquest was resumed. Mr. Frank entered the commissioner's room where the inquest was being held at 2:45 o'clock. He was accompanied by Chief of Detectives Newport A. Lanford, Chief of Police James L. Beavers, Detective J. N. Starnes and Deputy Plennie Miner.

He was sworn at 2:50 o'clock and a systematic questioning was begun by Coroner Donehoo, who was occasionally prompted by Solicitor General Hugh M. Dorsey and Chief of Detectives Lanford.

"What is your name?" the coroner asked.

"Leo M. Frank," was the answer.

"Where do you live?"

"At 68 East Georgia avenue."

"What is your connection with the National Pencil factory?"

"I am general superintendent."

"How long have you been with the National Pencil factory?"

"Since August, 1908," was the answer.

"How long have you held the office of general superintendent?"

"Since September 1, 1908."

"Where were you prior to that date?"

"Just prior to that time I was buying machinery for the factory."

"Have you lived in Atlanta all your life?"

"No, sir."

"Where did you live before coming to Atlanta?"

"In Brooklyn, New York."

"Are you married or single?"

"I am married."

"Is your wife living?"

"Yes, sir."

"How many times have you been married?"

"Once only."

"Where did you live in Brooklyn, N. Y.?"

"My last address there was 152 Underhill avenue."

"In what business were you engaged in Brooklyn?"

"I was with the National Meter company."

"When did you leave Brooklyn?"

"About the middle of October, 1907."

"Where did you go?"

"To Atlanta to confer with the National Pencil company."

"When did you go abroad?"

"The first week in November, 1907."

"When did you return to Atlanta?"

"August 1, 1908."

HIS DUTIES AT FACTORY.

"What are your duties at the pencil factory?"

"I look after the purchasing of material, inspect factory costs; see that orders are properly entered and filled, and look after the production in general."

"What time did you get up Saturday morning, April 26?" was the next question.

"About 7 o'clock."

"Do you and your wife live alone?"

"No, sir."

"With whom do you live?"

"My mother and father-in-law."

"Who are they?"

"Mr. and Mrs. Emile Selig."

"Have you any children?"

"No, sir."

"Does any one else live with you?"

"No, sir."

"How many servants have you?"

"There is only one on the place."

"What is this servant named?"

"I don't know her last name. Her first name is Minola. She is colored."

"What time does she get there?"

"About 6:30 o'clock."

"Was she on time Saturday, April 26?"

"Yes, sir."

LEFT HOME AT 8 A. M.

Mr. Frank said that he left his home about 8 o'clock that morning, Saturday, April 26. He remembered seeing his servant, Minola, and his wife, as he was leaving. He didn't remember seeing any one else. He was sure he did not see Mrs. Selig. He might have seen Mr. Selig, but he did not remember.

At his corner he can catch either the Washington street or the Georgia avenue car, said he. He did not remember which he boarded that morning. He did not remember talking to any one on the car. He arrived at the factory about 8:20 o'clock. He does not punch the time clock. Mr. Holloway, the day watchman, and Alonzo Mann, the office boy, both were there. Holloway was near the time clock as he went by. Alonzo, the office boy, was in the office. He did not remember whether any one was in the machine room. He didn't look back there. He didn't remember how long it was, perhaps an hour until several other people came in to get their pay envelopes. One man came to get his envelope for his son, and another for his stepson. One of the men was the father of a boy named Jimmie Grant, he remembered. Saturday being Memorial day, was a holiday in the factory, but he had instructed the office force to report and Coroner Donehoo fired question after question, related or without context, at Mr. Frank, the queries being rapid and precise. It was evident that the witness was to be examined most minutely.

Continuing, Mr. Frank remembered that during the morning of that Saturday Miss Mattie Smith came in to get the pay envelopes of herself and her sister. He didn't remember whether there was anybody in the outer office at that moment. The office boy should have been there. His chief clerk was Herbert Schiff, a salesman, who had been acting in that capacity since the discharge of J. M. Gantt, the former incumbent. Schiff was not in the office. The stenographer should have been in the outer office. She is a Miss Eubanks. He didn't remember her first name.

He had been in the office about thirty or forty minutes when M. B. Darley, Wade Campbell and "Mr. Fullerton" came in. The first thing he did was look over his mail and the papers.

WENT TO MANAGER'S OFFICE.

"What sort of papers?" he was asked.

"Notes and orders," he replied, adding that the notes are memoranda for his attention about work around the factory. He put them in a folder, to get ready for Monday.

“What did you do after you went through the mail?” he was asked.

He replied that he went over to the manager’s office about 10 o’clock. Before going there he talked several minutes with Darley and Campbell. He did not attend to the financial sheet then. He couldn’t recall doing anything else. The manager’s office is in the establishment of Montag Bros., 10 to 20 Nelson street, he said. Sig Montag is the manager. The coroner questioned him closely about what papers he handled that morning. He asked the witness, “What do you usually do after you get to the office when the factory is at work?”

Mr. Frank replied that usually he opened his desk, got out the orders, arranged the work for his stenographer, and at a few minutes after 7 o’clock he would go up into the factory and distribute the orders among the proper departments.

He said that he did not get the factory mail at this office. Sometimes he got personal mail there, he said. He went to the safe that morning and got out the papers, but couldn’t recall what the first one was. He answered numerous specific questions about where he was when the others came in, and how to make out a financial sheet, etc.

Frank said that he prepared a financial sheet Saturday afternoon. It bore the date of Thursday, the twenty-fourth, he said, in response, to the coroner’s question. Their week ended on Thursday, he said.

“Why didn’t you make out the sheet on Thursday?” he was asked.

“I didn’t know the payroll then. We generally get the payroll on Friday.”

INTENDED TO GO TO GAME.

“Did you intend to go to the ball game on Saturday?” the coroner asked.

“Yes,” replied Mr. Frank, “until I got up and saw it was a cloudy day.”

He was asked why he didn’t make out the final sheet in the morning, and replied that he had other matters—invoices, orders, etc.—to look after.

"When did you work on the house books?" he was asked.

"Not on Saturday," he said.

Mr. Frank said that his stenographer was not at the office Saturday, so he called a Miss Hall from Montag Brothers to help him. He went to Montag Brothers to see an official of the National Pencil company, who has his office there, he said, and shortly before 11 o'clock Miss Hall telephoned him there to return to the pencil factory and took over some important papers. When he got back to the pencil factory Miss Hall, his office boy and some others were in his office, he said.

At this point the coroner abruptly changed his line of questioning to ask "Is the house order book of April 30 in your handwriting?"

"No," replied the witness.

"How many others were there on April 30?"

"Eleven, I think," said Mr. Frank.

"Who entered those?"

"Miss Hall," said the witness.

The coroner then came back to the visit to Montag brothers, and Mr. Frank said that he remained there until about 11 o'clock. He said that he talked to several persons there on business.

[Part of a paragraph is missing here—Ed.]

look over the mail for matters needing immediate attention.

MANY QUESTIONS ASKED.

"Did you stop on your way there?" he was asked.

"I don't remember."

“Did you stop on your way back?”

“I don’t remember,” he again answered.

The coroner asked him to try to refresh his memory. He still insisted that he did not remember stopping at any place, either on his way to or from Montag Brothers.

The coroner kept up his systematic fire of questions, asking “How old is your office boy?”

“About fifteen or sixteen,” he replied.

“Does he wear long or short trousers?”

“Short.”

“What did you do when you got back to the pencil factory?”

“I sorted orders for about ten minutes.”

“What was in those orders?”

“I don’t remember.”

He didn’t remember whether the orders or invoices were from in Atlanta or out of the city, he said.

“Do you usually get orders or invoices on the twenty-sixth?” was the next question.

“We get invoices when the goods are shipped,” the witness answered.

“Do you remember any specific order or invoices on that date?” he was asked.

“No, sir, I do not,” said Mr. Frank.

He had no specific times for taking up routine work, said Mr. Frank. Usually he took up what appeared to be most important at the time.

HE WAS ALONE, HE SAID.

He dictated letters a while to Miss Hall. She entered the orders that he had received that morning. He didn't remember just what she was doing while he did that. It took him about five or ten minutes to assort the orders. It took Miss Hall about fifteen or twenty minutes to enter them. When she had entered them she wrote postcard receipts for them. Then she copied on the typewriter the letters that he had dictated to her.

That didn't take her long. About 12 o'clock he started copying the orders in the shipping requests. About that time Miss Hall and the office boy left. He didn't remember whether they went together. He remembered it was about noon, for he heard the whistle blow at the time. So far as he knew, there was no one else in the office after Miss Hall left. He said it was customary to copy orders on the day of their receipt. They were seldom more than a day late copying them. It took him probably forty minutes to copy the orders. He didn't begin work more than a minute or two before 12 o'clock. Again he was asked whether he was alone, and answered, "Yes, as far as I know."

MARY CAME FOR WAGES.

"About 12:10 or 12:05 o'clock," said Mr. Frank, "this little girl who was killed came up and got her envelope. I didn't see or hear any one with her. I didn't hear her speak to any one who might have been outside. I was in my inside office working at the orders when she came up.

"I don't remember exactly what she said.

"I looked up, and when she told me she wanted her envelope, I handed it to her. Knowing that the employees would be coming in for their pay envelopes, I had them all in the cash basket beside me, to save walking to the safe each time."

Mr. Frank said he didn't know Mary Phagan's number. He said each envelope had the employee's number stamped on it. He admitted that he had looked up Mary Phagan's number since the murder, but he had forgotten it again, said he. He did not see her pay envelope after he handed it to her. He made no entry of the payment, on the payroll or any other record, because none was required, said he.

“The girl left. She got to the outer door and asked if the metal had come. I told her no.”

(The girl had been “laid off” from work at the factory the preceding Tuesday, it has been understood, because of a shortage in some metal which her work required.)

“Where was Mary Phagan when she asked about this metal?” he was asked.

“In the outer office, I think, or in the main hall.”

He explained that the Phagan child hadn’t been working since Monday because of the shortage in the metal supply.

There was \$1.20 in the child’s pay envelope, he said, part of it being for work on Friday and Saturday of the previous week. He didn’t know at what rate she was paid, he said, as he didn’t open the sealed pay envelope.

HEARD FOOTSTEPS DIE AWAY.

When she left he heard her footsteps die away in the hall, he said, and returned to his work, thinking no more about her.

Mr. Frank said he knew the Phagan child’s face, but didn’t know her name. She stood partly behind his desk, he said, and he didn’t notice the details of her dress, but thought the color was light. He didn’t recall whether she wore a hat, or carried a parasol or purse, he said, and didn’t see her shoes or stockings, which, he said, were hidden by the desk.

The girl reached his office between 12:10 and 12:15, he said and stayed there about two minutes. He thought her name was on the outside of the pay envelope, he said, but had identified her by her number.

No one else came into the office while she was there, the witness said. In response to a question from the coroner, he said that he had told her she had come almost too late. When she left he thought he heard her voice in the outer office, he said. He made no entry on the pay roll after giving the girl her envelope, he said.

About five or ten minutes after Miss Phagan left a man named Lemmy Quinn, foreman in the tip department, came in, he said.

Quinn remarked, "Well, I see you're busy," Mr. Frank said, and left about 12:25. Mr. Frank then copied orders, he said. He didn't know where Quinn went, he said.

Mr. Frank said that the metal hadn't come at that time, and he didn't think it had arrived yet. The acting chief clerk, whose name was Schiff, would receive it when it came, he said.

He didn't go to see whether it had come when the Phagan child called, he said, nor did he ask Schiff about it. He would probably know it had come before Schiff did, he said.

HEARD WHISTLES.

Mr. Frank said that he fixed the time Mary Phagan came for her money by the factory whistles which blew about noon. He didn't leave his office between the time the girl left and Quinn called, he said. He didn't recall how Quinn was dressed, he said, but thinks he wore a straw hat.

Mr. Frank said he didn't know how long Mary Phagan had worked at the pencil factory.

He said that Quinn knew Mary because he was foreman of the tip department in which she was employed. Quinn worked last week, Mr. Frank said, on tools and machinery.

Mr. Frank said that Quinn usually wore the same clothing around the factory that he wore on the streets. Quinn came into his office about 12:25 and spoke to him. He was wearing street clothes. Quinn was about twenty-five or thirty years old, said he. Probably half an hour after Quinn spoke to him he left the factory—about 1 o'clock, or three or four minutes after that hour. He did not lock all of the papers in the safe, he said, because he anticipated returning to work with them that afternoon.

"Do you remember which ones you got together before you left?"

Mr. Frank answered that he got the production sheet and looked it over, and a few other papers. After the time Miss Hall left the office until he himself left to go home he was in the office all of the time, he said. Before he left he went up to the fourth floor, where he found Harry Denham and Arthur White and Mrs. White, and told them he was going out and would lock the door. Mrs. White, he

thought, said she would go on out, and he thought she went away. He went up by the stairway to that floor, he said.

The day watchman was there shortly after 11 o'clock, said he. He didn't remember exactly what time he left. Except on Saturdays, the day watchman usually worked until the night watchman came on duty. On Saturdays, said he, he himself worked, except on rare occasions; and when he did work he let the day watchman go. He couldn't remember more than three or four occasions, said he, when the day watchman had worked. He let the watchman off as a usual thing that Saturday, said he.

HADN'T SEEN FRY.

He was asked about Walter Fry, a negro employed at the factory. Fry, said he, is one of the oldest negro employees there. He had to clean the third floor of a lot of glue once each week, and usually he did it on Saturdays. Mr. Frank did not know whether Fry was in the building that day. The watchman said nothing of it, as he should have done had the negro been there. He had not excused Fry from work, said he. He hadn't seen Fry in two weeks, he added.

He caught a Washington street car and got off at Georgia avenue. He got home about 1:20 o'clock. He found his mother-in-law and his wife dressed and ready to go to the opera. He told them good-bye and went in and had lunch with his father-in-law. The servant, Minola, waited upon them. They spent about twenty minutes eating. Afterward he lit a cigarette and lay down upon the sofa, his father-in-law, a chicken fancier, going out in the back yard to look at some chickens. His father-in-law had not come back when he got up and left the house. He did not sleep while he lay on the sofa. He dozed, for he was tired from the morning's work.

He left home about 2 o'clock. On the street he saw a cousin of his, from Athens, and the cousin's mother. He crossed the street and talked with them. They said they had come down for grand opera. He walked on up to Glenn street, not having missed a car, and there caught a Washington street car. On the street car he met another cousin, J. C. Loeb, and talked with Mr. Loeb as they rode to town. At the corner of Washington and Hunter streets the car stopped, on account of the parade, and he got out and walked west on Hunter to Whitehall. When he reached that corner the parade came around into Hunter street from Whitehall.

WATCHED THE PARADE.

He stopped there and watched the parade a while, then walked on up Whitehall toward Alabama. In front of Rich's he met Miss Rebecca Carson, one of the forewomen in the factory. He spoke to her, but did not stop. That must have been about 2:40 o'clock. Just a few minutes later, when there was a lapse in the parade, he crossed Whitehall and entered Jacobs' drug store on the corner, buying three or four cigars of a brand that he named, and perhaps a package of cigarettes. From Jacobs' he went on up Alabama street to Forsyth, and turned down Forsyth to the factory. He opened the street door with his key, and locked it behind him with a latch manipulated from the inside. He unlocked the inner door and left it open behind him. That was about 3 o'clock. He took off his coat and went upstairs to the third floor, where he found Denham and White in the back of the room. They told him they would be through work and ready to leave in a few minutes. He came directly downstairs to his office. He opened the safe and took out some papers and started work on the financial sheet. A few minutes later he heard Denham and White come down from their work and ring the clock. White came into his office and borrowed \$2. He joked with White a minute or so about the loan, and then got his signature upon an advanced wage sheet and gave him the \$2. He put the slip in an envelope, where he kept other slips like it.

About 3:09 or 3:10 o'clock White and Denham went downstairs. Shortly afterward he followed them and latched the street door again behind them. That was about 3:20 o'clock, he said.

The day watchman left about 3 o'clock, Mr. Frank said, and White and Denham left about 3:15. He went downstairs and locked the door after them, he said, and returned to his work on the financial sheet. The witness said that, so far as he knew, he was alone in the factory. He had seen no one while on his way up or down the steps.

Mr. Frank said that he worked on the financial sheet until about 5:30 o'clock. At about fifteen minutes before 4, he said, he went to the lavatory to wash his hands, and on his way back to his office saw the night watchman coming up the stairs.

NIGHT WATCHMAN COMES.

Mr. Frank said that on Friday he had told the watchman to report for duty at 4 o'clock Saturday afternoon, and that he remembers the time because he looked at his watch to see if the watchman was on time. The watchman had pass keys to the doors, he said.

Asked about his conversation with the night watchman, Mr. Frank said that he said, "Howdy, Lee," and told him he was sorry he had to come to work so early, and that he could go out and enjoy himself for an hour or an hour and a half. Lee offered him some bananas, he said, but he took none.

The only other interruption during the afternoon, Mr. Frank said, was a telephone call for Mr. Schiff.

Mr. Frank said that he had planned to go to the ball game with his brother-in-law, Mr. Ersenbach. He had tried to telephone Mr. Ersenbach that he couldn't go, but had been unable to get him, the witness said.

Mr. Frank said that after 5:30 he balanced the cash. This took until about 6 o'clock, he said.

Mr. Frank was not downstairs between 4 and 4:30, he said, in response to a question.

The witness said that when Lee returned about 6 o'clock he was putting in the clock slips. There were two clocks, he said, one that registered between one and 100 and the other between 100 and 200. The watchman punched the latter. Mr. Frank took out the Friday slips, he said, which were dated April 26, and put them on the clerk's desk.

He was asked when Fullerton was to start to work.

"On Monday, the 28th," he said. He didn't know, he said, whether Fullerton started to work on Monday or not.

It was not very light, Mr. Frank said, when Lee returned to work. He had no conversation with him. Lee did not seem in the least agitated, Mr. Frank said.

GANTT WAS THERE.

Mr. Frank said that about 6 o'clock he washed his hands and put on his coat preparatory to leaving the building. Lee had punched the clock and was at the bottom of the steps, Mr. Frank said, to lock the door after him. Lee was talking to J. M. Gantt, former employee of the factory, on the sidewalk just outside the door, the witness said.

Mr. Frank said that Lee told him Gantt wanted to get a pair of shoes he had left in the factory. The witness said he sent Lee in with Gantt, and left the building himself.

Mr. Frank said he then went to Jacobs' pharmacy at the corner of Alabama and Whitehall streets and bought a box of candy. It was a special kind of candy that was not kept boxed and he had to wait a few minutes, he said, while the girl put it in a box for him. He chatted with the girl, he said, but spoke to no one else before he got home.

He reached home about 6:25 o'clock, he said. His father-in-law and the servant were there, the witness said and his wife and his mother came in a few minutes later.

They came in about 6:30, Mr. Frank said, just as he was telephoning to the factory. He telephoned at 6:30, he said, because at that time the night watchman was due to be punching the clock and would ordinarily be where he could easily hear the telephone.

Mr. Frank said that he failed to get Leet at 6:30, so telephoned him again at 7 o'clock, when the watchman answered.

The witness said he asked whether Gantt had gone and if everything was all right, then ate his dinner.

Mr. Frank said he had never heard Gantta make any direct threats against him. Gantt had been discharged, the witness said, because of negligence in his accounts.

Mr. Frank said that he telephone the factory, because Gantt "was a man I wanted to keep up with when he was in the factory."

The witness said that after supper he smoked and read until about 9:30 o'clock, when he went upstairs and lit the gas heater. He then went back downstairs, he said, and read until about 10:30, when he went back upstairs, took a bath and went to bed about 11.

Mr. Frank said he was awakened about 7:30 o'clock Sunday morning by the ringing of the telephone. He answered it in his bath robe, he said. It was Detective J. M. Starnes, who said he wanted Mr. Frank to identify some one at the factory, the witness said.

Mr. Frank said he asked the detective if there had been a fire, and the reply was, "No; a tragedy."

The witness said Mr. Starnes told him an automobile would be right up for him. Detective Black and Boot Rogers arrived before he had finished dressing, Mr. Frank said. He went with them, he said, to Bloomfield's undertaking establishment to see the body of Mary Phagan.

Mr. Frank said that he immediately recognized the "poor little thing." He looked at her, he said, and remarked, "That is the child I paid off Saturday."

Mr. Frank then described the appearance of the corpse, and said that the cord about her neck was of the type used on the third and fourth floors of the pencil factory in binding "units."

GOES TO FACTORY.

He stayed at the undertaker's shop but a few minutes. Then he drove down to the factory and saw Darley going in just ahead of him and called to him. He went upstairs, where he saw the negro and a number of detectives. There he was told the details of the tragedy. He took them down to the basement in the elevator. He couldn't get the elevator to work at first, and Darley started it for him. He didn't see any blood in the basement. He told Darley to nail up the back door, which they showed him to be standing open. He said it was part of the watchman's duty to come down in the basement and see that that door was fastened, and also to look in the dust bin. The fire insurance people consider that dust bin somewhat of a hazard, said he. He hadn't been in the cellar a dozen times before during his connection with the company, said he.

He answered a number of questions relative to the method of operating the elevator. It is run by electricity. There is a switch on the left of the elevator at the second floor landing where the power is turned off. The switch never is locked up. Formerly it was, but the insurance people objected, and later it was left unlocked where the firemen could get to it immediately and shut off the power in the building.

THE PART OF THE TIME CLOCK.

He was questioned as to the tape on the time clock. When he looked at it first after the tragedy, he thought it was all right because the lines had not been broken. Later, said he, he studied it more closely and saw that the negro night watchman had skipped in two or three places, punching hours only instead of hours and half hours. He said he had put the date, 28, on the tape in advance because he knew when the employees came to work Monday morning they would start to punching that date.

While he was in the factory on the Sunday morning after the tragedy was discovered, the detectives used most of the time going over the factory, looking for some one who might have been hidden. He did not know what machine Mary Phagan used in the factory, said he. He didn't know of any stuff similar to whitewash used around the plant. There was a yellowish substance, like soap, used for a lubricant.

SAID HE HELPED DETECTIVES.

Leaving the factory that Sunday morning, he went to police headquarters with some of the detectives and Mr. Darley. There he answered a number of questions. He did not remember what they were, but he remembered that he wanted to give the detectives every possible help in getting at the bottom of the thing. He told them everything that they wanted to know, said he.

He and Darley left headquarters together and walked toward town. He asked Darley if he wanted to see Mary Phagan's body, and Darley, saying yes, they walked over to the undertaker's, but they could not see the corpse, because the embalmers were busy at the moment.

WORE THE SAME SUIT.

Questioned as to the clothes he wore on the day preceding the murder's discovery, he declared that he wore the same suit that he wore then, as he testified. He had put it on the next Monday again, and had worn it constantly since. On the Sunday when the murder was discovered he wore a blue suit.

He answered a number of questions relative to the time lock. No person unfamiliar with it could manufacture a time record upon it, he said. He experienced some difficulty himself when he changed the dates, said he. There is a key to the time clock, said he, but he didn't even know who had it. It would be possible, by moving the hands of the clock, to make it register at regular intervals, he thought.

RUNNING THE ELEVATOR.

The coroner reverted to Friday afternoon. He stayed somewhat late that afternoon, he said.

The elevator boy is a negro called "Snowball," he said. He explained again the operation of the elevator. He (Frank) could run the elevator, but he had not done so on any certain occasion that he

remembered. On Saturday morning the motor was running, he knew, because it was being used to operate a circular saw in the department where Denham and White were at work.

He said he had never telephoned before Saturday night to the negro night watchman, Newt Lee, because the negro had been there only a couple of weeks. The negro had been employed formerly by Mr. [1 word illegible], said he.

Frank said that he identified the girl's corpse by her hair and her features. He didn't know the girl's name, he said, but recognized her corpse as that of the girl he had paid Saturday. Mr. Frank said that he hadn't noticed that the girl appeared nervous when he saw her Saturday afternoon. He wasn't sure he had heard her voice after she left him, he said, but thought he had heard some girl's voice in the outer office.

Mr. Frank said that when he went to the undertaker's establishment Sunday morning, he wore a blue suit he was accustomed to wear on Sundays, having changed from the brown one he had worn the day before. He had never worn this blue suit to the pencil factory that he remembered, the witness said.

He said that he mentioned to Darley on Sunday that he had on another suit. He changed things from the pocket of the brown suit to the blue one, he said; changed his underwear and his shirt, as he was accustomed to do. He had never given the night watchman any clothes, he said.

Mr. Frank was asked about his talk with Lee at the police station. He said that previous to his talk with Lee he had been asked by Detective Black and Scott to try to find out whether Lee had been letting couples into the pencil factory at night.

"Black said, 'Put it strong to him,'" the witness said, "'Try to get out of him all you can. We think he knows more than he is willing to tell. Tell him they've got you and me and they'll send us both to hell if you don't tell what you know.'"

Mr. Frank said that he said to Lee something similar to the words Black has used. "I talked to him kindly," Mr. Frank said. The witness said that he urged Lee to tell the truth about the couples; that he told Lee in substance, "They know you something," and said, "They can swing us both if you don't tell."

Mr. Frank said that the negro said in substance, "Fore God, Mr. Frank, I don't know anything about it."

Lee declared that he had admitted no couples, Mr. Frank said, and "kept up a good tale."

The witness said that he didn't use the words the detectives told him in which he used the word "hell."

Going back to the talk of the ball games, Mr. Frank said that he didn't know what time the games started.

The witness was then quizzed as to how many suits of underwear he had worn, and how often he was accustomed to change.

He had worn one suit last week, he thought, he said. When he took them off he put them in the wash bag, he said. Detective Black saw them, he declared—a suit of winter underwear.

He generally wore two suits of underwear a week during the winter, he said, and four or five a week in the summer.

Going back to the references to the ball game, the witness was asked if he had intended going to the ball game after 4 o'clock. He said that he had expected to leave the factory at 1 o'clock.

Mr. Frank said that he had notified the factory employees by posting notices about Monday or Tuesday that they would be paid Friday afternoon, since Saturday was a holiday on account of being Memorial day. They were paid about 5 o'clock Friday afternoon, he said.

Mr. Frank said that during his conversation with Lee the watchman did not accuse him of the crime, or describe the girl's body, and declared that he did not tell Lee not to talk about the tragedy.

Mr. Frank then said that the usual pay time was about noon Saturday.

He replied in answer to a question that he didn't remember ever having used any cord like that found about the girl's neck to tie a bundle.

"Are you right-handed or left-handed?" he was asked.

"Right-handed," he replied.

Mr. Frank said that he had been in the habit of carrying a pocket knife, but this was taken from him when he was arrested.

The witness repeated his statement that he first heard the telephone on Sunday morning at about 7:30. Later Sunday morning, he said, he thought he recalled dreaming that he heard the telephone in the night.

MR. SELIG ON STAND.

Emil Selig, father-in-law of Mr. Frank, succeeded him on the witness stand. He lives at 68 Georgia avenue, said Mr. Selig. About three years ago Frank married his daughter. He had never heard of Frank being married before. He had known Frank about a year before Frank married Miss Selig.

In answer to the question, "Do you live with Mr. Frank?" the old gentleman replied, "No; he lives with me."

He didn't remember seeing Frank leave on the morning of the tragedy, said he. He did see him at dinner time and ate dinner with him. His wife and daughter both were going to grand opera, and, as well as he remembered, they left before the end of dinner.

After dinner, said Mr. Selig, he (Selig) lay down and took a nap. He didn't know what Mr. Frank did. Maybe he lay down, too. Mr. Selig said he got up about 3 o'clock, and Frank was gone. He saw him again at supper. That was between 7 and 8 o'clock, he thought. He didn't remember the exact hour. His wife and daughter and the servants all were there with them, he thought. After supper that Saturday night, Mr. Frank went out into the hall and sat there reading. "We played cards," said he. Asked who "we" was, he replied that they had a little company in that evening.

Asked for the names of the company, he remembered that Mr. and Mrs. Morris Goldstein, Mrs. I. Strauss, who lives on Pryor street, and Mrs. Wolfsheimer, from Washington street, and maybe another married daughter, Mrs. A. E. Marcus, were there.

Mr. Frank didn't play cards, said he. Mr. Frank must have known that the guests were there. He didn't remember especially about that. They played cards there until about 11 o'clock. Mr. Frank, he presumed, went on up to bed about 9 o'clock. He didn't see anything of him after that. Mrs. Frank didn't play cards, but was out with her husband for a while.

"Who played partners?" the coroner asked him.

"We didn't have any partners," answered the witness. "We were playing for blood."

On Saturday Mr. Frank had on a brown every-day suit, said the witness. He thought Mr. Frank had on the same suit Sunday. It was the same suit he had worn to the inquest, said Mr. Selig.

DIDN'T TALK ABOUT TRAGEDY.

Mr. Selig said that he didn't hear the telephone ring during the night Saturday or Sunday morning. He didn't remember Mr. Frank having telephoned the factory Saturday night, but that Mr. Frank might have done so without his having known it.

Mr. Selig said that he awoke about 8 o'clock Sunday morning, after Mr. Frank had left the house. Mrs. Frank told him that "something terrible had happened in the factory," he said, but that he didn't press the question as to what had transpired; that all day Sunday he made no efforts to find out what had occurred.

Mr. Frank returned home about 10 o'clock, the witness said. Mr. Selig said that he didn't remember Mr. Frank having mentioned the affair during the day.

He said that Mr. Frank had frequently called the factory at night to ask if everything was all right.

MRS. SELIG TESTIFIES.

Mrs. Josephine Selig, wife of Emil Selig and mother-in-law of Mr. Frank, was the witness who succeeded her husband on the stand. She saw Mr. Frank Saturday at dinner, she said. She had not seen him at breakfast. She rarely saw him at breakfast. He came home to dinner about 1:15 o'clock. She and her husband, Frank and his wife and the cook were there in the house at that time. She and Mrs. Frank left about 1:20 o'clock to go to the opera matinee. She was not sure whether her husband was present when they left. She saw Mr. Frank again at supper about 6:15 o'clock. He was

sitting in the hall, reading a paper, when they came in. They had supper between 6:30 and 6:45 o'clock. Mr. Frank had continued his reading since they came in. She didn't see Mr. Frank use the telephone, but was pretty sure that he did. It was possible that she might have been upstairs when he used the phone in the dining room. It would not have been unusual for him to telephone, said she. She could not swear, she said, that Mr. Frank used the telephone that evening.

After supper, she said Mr. Frank stayed in the hall and read. She stayed there in the hall until about 8:20 o'clock. Then they had company and their company was entertained in the dining room just off the hall. Asked to name those who were there, she said the two Mrs. Marcus, Mr. and Mrs. Goldstein, and Mrs. Ike Strauss were there. Ike Strauss came over about 10:30 o'clock for his wife, he said. She remembered that Mrs. Wolfsheimer was there, too.

KNEW GUESTS WERE THERE.

Mr. Frank knew these guests were in the house, she said. He was in the hall and conversed casually with them when they arrived. He must have talked with the guests about twenty minutes, she said. She couldn't remember any of his conversation, she said.

"Now, this was the last night of the opera," her questioners cautioned her. "Are you sure these guests were there that night?"

Mrs. Selig was positive. They played cards, she said. Mrs. Frank was there, too. She was in the dining room and out in the hall with Mr. Frank constantly during the evening. Mrs. Frank sat out there with him a good deal, but came in occasionally. He stopped reading some time between 9:30 o'clock and 10, she said. He went to bed then, stopping at the door as he went and telling them all good night.

Mrs. Frank went upstairs with him, she said.

Mrs. Selig said that when she got up the next morning the first person she saw was her daughter, Mrs. Frank.

Mrs. Frank said Mr. Frank had gone to town, but didn't say why.

About 10 o'clock Mr. Frank came in and told her that some girl had been found dead in the factory. She didn't remember anything else about the conversation.

She didn't attach much importance to it, she said.

Mr. Frank didn't go into details. He mentioned it casually. After a while he sat down and read a paper, she said. She denied that he seemed to be apprehensive.

Questioned again about that part of her testimony, she reiterated that the matter of the girl having been found dead was treated casually. Mr. Frank seemed not greatly concerned about it, she said.

All of these statements were made in direct answer to direct questions. Mrs. Selig seemed not to remember very much except that which she answered positively.

Mr. Frank wore a brown suit of clothes all three of the very days, she said—Saturday, Sunday and Monday. She was positive about this, she said.

Mr. Frank did not mention to her the name of the girl who had been found dead, said she. He owned another suit, of blue, she said. She went into detail about who their laundrymen are, etc.

At 7:20 o'clock the inquest adjourned until 9:30 o'clock Thursday morning.

TWO NEW WITNESSES IN PHAGAN MYSTERY TO TESTIFY THURSDAY

Atlanta Journal

Wednesday, May 7th, 1913

Detectives Said to Attach Much Importance to Testimony That Two Girls Will Give When Inquest Resumes

INQUEST WILL BE ENDED THURSDAY, SAYS DONEHOO

Paul P. Bowen Has Been Released by Houston Officials—Chief Detective and 14 Policemen Are Discharged

Two new witnesses, whom the detectives have recently located, are expected to give testimony of importance at the final session of the Phagan inquest Thursday.

One of the witnesses is Miss Grace Hix, of 100 McDonough road, daughter of James E. Hix. Miss Hix worked at the same machine with Mary Phagan, but has not been to the factory since the latter was slain. Miss Hix was closeted for two hours with the detectives Tuesday evening, but it is not known just what her testimony will be. [Appears to be missing words in the printing—Ed.] day Mary Phagan was killed, but did not see her, according to a statement she made to a Journal reporter Wednesday afternoon at 2:45 o'clock.

"The last time I saw Mary Phagan was on the Monday before she was killed," said Miss Hix. "That was the day she got layed off. I was uptown Saturday, the day she was killed, but I did not see her."

The name of the other witness has not been learned. That witness, a young woman, who works at the factory will testify according to the same report, that on the Saturday that Mary Phagan met her death, she (the witness) went to the factory to get her own envelope. According to the report the young woman will testify that she went to Superintendent Frank's office between 12:10 and 12:20 o'clock (the time Mary Phagan is supposed to have gone for her pay) and waited about five minutes.

TO FINISH INQUEST.

The coroner's inquest will be concluded Thursday, according to Coroner Paul Donehoo. The inquest has been probably the most thorough and exhaustive ever conducted in Georgia, the jurors having spent many hours in listening to testimony in the case and now the coroner is determined that the inquest itself shall be concluded at Thursday's session and the jurors relieved from further duty in the case.

It is probable that the body of little Mary Phagan interred at Marietta a week ago will be again exhumed before the final session of the jury. It is said that one important point has now not been fully covered by the examination and this will necessitate the lifting of Mary Phagan's body from the grave a second time. Before any action is taken, however, the parents of the slain girl will be consulted. It is probable that Dr. J. W. Hurt, the country physician, and Dr. H. F. Harris, of the state board of health, will make the second examination.

It was reported that the principal reason for exhuming the body again is to get some of the hair from the murdered child's head in order that it might be compared with the hair found in the metal room at the pencil factory. It is understood that the hair which was in possession of the detectives has been lost.

Officials will make no definite statement relative to the second examination of the girl's body, but it was learned from the coroner that at noon Wednesday the physicians, who are to make the examination, had not started for Marietta. It is said to be practically certain, however, that the body will be exhumed before the convening of the final session of the inquest.

NO EVIDENCE AGAINST BOWEN.

A development of interest in the case as the release of Paul Reniston Bowen, the former Atlantan, who was arrested in Houston, Tex., as a suspect in the Phagan case. The release of Bowen carries out the prediction made Tuesday afternoon by The Journal, when after a vigorous investigation The Journal was able to show that it was practically impossible for Bowen, who left here about nine months ago, to have been in Atlanta or Georgia at the time of the murder.

Young Bowen is well and favorably known in Atlanta, where he worked for several years and has many friends here, who have received letters from him recently. He comes originally from Newnan, where his family is prominent. Interesting in connection with Bowen's release is the announcement of the summary removal from office of Chief of Detectives George Peyton, of Houston, who made the arrest. Chief of Police Ben S. Davison declares that Peyton exceeded his authority in taking young Bowen into custody. Chief Beavers has wired Houston that Bowen is not wanted by the Atlanta police.

INQUEST AT 9:30.

Interest in the Phagan investigation is again centered in the coroner's inquest, which is scheduled to resume its probe into the mystery on Thursday morning at 9:30 o'clock.

Just what witnesses will go before the coroner's jury is not known, as the actions of the officials have been shrouded in mystery since the active entrance of Solicitor Dorsey in the case. It is probable, however, that in addition to recalling Newt Lee to the stand, the jurors will hear the testimony of Dr. Hurt, of Dr. Harris, and of Dr. Claude Smith, the city bacteriologist, who has examined the

bloodstains on the shirt found at Lee's home, on the floor of the factory and on the garments of the murdered girl.

NEWT LEE TO TESTIFY.

The examination of Newt Lee before the jurors will be a vigorous probe, similar to the questioning Monday afternoon of L. M. Frank, and especial emphasis will be laid on the conversation the two men had some days ago in the negro's cell.

It is not improbable that Mr. Frank himself will be recalled to the stand. Despite the fact that he gave testimony for three hours and a half, the stenographic record of his statement is being examined by the officials in order that they may bring him back if they are able to find any pertinent question that was not put to him during the three and one-half hours examination Monday.

Lemmie Quinn, foreman of the tipping department in which Mary Phagan worked, may be another witness before the inquest. Quinn's corroboration of Frank's statement that he (Quinn) came to the factory a few minutes after Mary Phagan got her pay envelope will, it is said, be attacked by the detectives.

Few other witnesses will be examined Thursday, it is said, although it is probable that the two girls who are said to have been paid shortly before Mary Phagan arrived at the factory, may be put on the stand.

J. L. WATKINS SAYS HE DID NOT SEE PHAGAN CHILD ON DAY OF TRAGEDY

Atlanta Journal

Thursday, May 8th, 1913

J. L. Watkins, called to the stand after Miss Hall, the stenographer, was excused, clarified his former testimony that he had seen Mary Phagan on the street near her home on Saturday afternoon, April 26, by declaring that he is convinced now he was mistaken about it.

“Mr. White [sic], on last Thursday did you not swear before this inquest that between 4 and 5 o'clock on the afternoon of Saturday, April 26, you saw Mary Phagan walking along Bellwood avenue toward her home?” asked the coroner.

“Yes, that's so,” answered the witness. “I was honestly mistaken.”

He was asked how he had found out that he was mistaken. He replied that Detectives Starnes and Campbell had found the young woman whom he mistook for Mary Phagan. He is absolutely certain now that he was mistaken, said he. They had brought the girl before him, dressed in the same clothes that she wore that afternoon, and had caused her to cross a vacant field just as she crossed it that afternoon.

The girl whom he mistook for Mary Phagan, said he, he knew now to be Daisy Jones. He pointed her out among those in the room.

He was excused from the stand.

LEMMIE QUINN GRILLED BY CORONER BUT HE STICKS TO HIS STATEMENT

Atlanta Journal

Thursday, May 8th, 1913

L. A. Quinn was called to the stand. He lives at 31B Julliam street, he said, and is foreman of the metal department at the National Pencil factory. Mary Phagan worked in his department, he said. The last time he saw her was on the Monday preceding the murder, he said. She left the plant about 2 o'clock that Monday, said he. That was earlier than usual, but she left because the metal with which she worked had run out and she wanted to hurry to the matinee. He didn't know any of her intimate friends, said he. She worked with Helen Ferguson and Grace Hix and Magnolia Kennedy, said he, and Henry Smith and John Ramey also worked in that department.

He worked on Friday, April 25, until 5:30 o'clock, said Quinn. He got his pay and left with the understanding that he would come to work on Monday.

The next morning, Saturday, he got up about 7 o'clock. Later he went uptown with his wife to get a picture made of their baby. Then they went back home. He came up town again, said he. He was stopped there, and questioned closely about hours and minutes.

He left home about 9:30 o'clock, he said. He and his wife and baby went straight to Kuhn's photograph studio. They were there about ten minutes, he said.

They stopped next at the Globe Clothing company's store on Whitehall street, said he, and talked for a while with some friends of his in there. He named them. He and his wife were there about five or ten minutes. They went from there down to a meat market in the next block south and bought some meat, staying there about five minutes. Farther down the street they stopped in at a soda water stand and bought some soft drinks. They arrived home about 11:15 o'clock. He remained in the house about thirty minutes. He left there about 11:45 o'clock, for town again, to get to the market before it closed, so he could buy some supplies for Sunday. He bought some meat and vegetables on that trip, said he. He could not describe the man he bought the meat from. He bought the vegetables first, from a man about five feet eleven inches tall, 165-170 pounds in weight, clean shaved. The man seemed to be a foreigner. He looked like an Italian.

HE WENT TO THE FACTORY.

From the meat market he went to Benjamin's pharmacy and bought some cigars from a man named Pounds. He arrived there at a few minutes after 12 o'clock. He went on up Whitehall, left on Hunter street, to Forsyth, and then to the pencil factory. There was nothing unusual about him going to the factory on holidays, said the witness. He did so often. He wanted to speak to "Mr. Schiff" on this occasion, said he. He found the front door unlocked. He did not see Mary Phagan. He got there some time between 12:20 and 12:25, said he.

He was asked how he observed the time so minutely.

He figured it on the time he left home, said he. He knew he left there about 11:45 o'clock, because he looked at his watch several times while he was at home. He walked to town, up Pulliam to Garnett, to Whitehall, and so to the market. It took him about 10 or 15 minutes to make the walk. It

was pretty close to 12 o'clock when he got to the market, said he. He did not remember looking at his watch after he left home. It didn't take him long to buy the meat and vegetables. He bought 40 cents worth of steak. He was waited on immediately. It took him about ten minutes, however, he said, to buy the vegetables. He wasn't around the market longer than ten or twelve minutes. He stopped two or three minutes in Benjamin's on the corner. The walk from there to the factory took about five minutes. He went straight to the office. He didn't go anywhere else. He didn't remember hearing the noon whistles blow.

WHEN HE SAW MR. FRANK.

He found Mr. Frank in the latter's private office. They exchanged "good mornings," he said. "Is Mr. Schiff in?" Quinn said he inquired. "No, I don't suppose he will be down today," Quinn said Mr. Frank replied. "You see you can't keep me away even on holidays," Quinn said he remarked to Mr. Frank. He said that Mr. Frank answered, "Yes," and laughed, and nothing else was said. He was there in the office about two minutes, said he. He wasn't positive about the exact time. He didn't think it could be as early as 12:15 when he arrived there. It could have been between 12:20 and 12:35, he admitted.

"Could it have been as late as 12:30 o'clock?" he was asked.

"It could have been, but it wasn't."

"Why are you so positive?"

"Because I was somewhere else at 12:30," the witness answered.

He continued that when he left the factory he stopped to talk with "Mr. Maulsby" at Mr. Maulsby's place of business two doors from the factory. He offered Mr. Maulsby a cigar. Maulsby told him "those girls are in the restaurant," and he answered "I know it; I saw them when I came up." He told the names of two young women, one of whom was then a bride and the other of whom still worked in the factory.

IS AT FACTORY NOW.

Mr. Quinn said that he thought Miss Corinthia Hall is at the pencil factory this Thursday. The Miss Hall he saw at the undertaker's establishment was a stenographer at Montag Brothers, and not Miss Corinthia Hall, he said.

The witness said that his purpose in going to the factory Saturday was to see Mr. Schiff and talk baseball with him. He had been accustomed to drop by the factory often on Saturdays and holidays, he said.

Mr. Quinn said that after leaving the factory he met the young ladies—Miss Hall and Mrs. Freeman—at the Busy Bee café, at the corner of Forsyth and Hunter streets.

In reply to a question from the coroner, he said that he thinks Mrs. Freeman is at the factory this Thursday.

Mrs. Freeman, who is about seventeen years old, had been married the day before—Friday—he said. Mr. Quinn said that he wanted to chat with her about the wedding. They remained in the café only a few minutes, he said, all three leaving together. Mr. Quinn said that he went to DeFoor Brothers pool parlor, getting there about 12:30, and chatted with the proprietors until about 1:15.

The coroner at this point asked Mr. Quinn if he knew May Barrett.

He replied, "Yes, she is employed in the varnishing department of the pencil factory."

A FIFTEEN-MINUTE WALK.

In response to a question, Mr. Quinn said that it takes him about fifteen minutes to walk from his home to the pencil factory.

Going back to his visit to the pool room, Mr. Quinn said that after chatting baseball with the proprietors, he went to the Atlanta theater to buy a ticket.

Here Mr. Quinn said in response to a question that he knows John Rainey.

Just after he had bought his ticket at the theater, Mr. Quinn said, he saw Cliff Dodgen, an employee of the theater. The witness said that he didn't remember exactly where his seat in the theater was,

but thought it was on the ninth row, in the center aisle. No one that he knew sat near him that he remembered, he said.

The witness said in reply to the coroner's question that Mr. Frank wore a brown suit Saturday.

Mr. Quinn said that he went to the factory about 9:30 o'clock Sunday morning. He met Mr. Darley and Ed Montag, an officer of the factory there, he said, and they went in the basement together.

The witness said that he heard of the murder about 9 o'clock Sunday morning when he went to a soda water stand near his home. Officer Payne and the men in charge of the stand were discussing it, he said, and told him. Mr. Quinn said that he gathered from the description given him then that the victim must have been Helen Ferguson. He was told that her first name was Mary, he said, and asked if the last was Phagan. The soda water man recalled it then.

The witness said that he then went to the undertaker's establishment and looked at the body.

DENIED STATEMENT TO OFFICER.

He said that on Sunday afternoon he saw Mr. Frank at the undertaker's. Mr. Frank wore a blue or a black suit then, he said.

Mr. Quinn denied that he had told Officer Payne or Detective Starnes that he hadn't been to the factory since Friday.

He declared that when he had talked with Detective Starnes and Campbell at the rear door of the factory he had not stated that he hadn't ben to the factory since Friday.

Mr. Quinn was asked about the white material used in his department. It was known as "hascolene," he said, and was used as a lubricant for the machines. It came shipped in barrels, he said.

The witness said that on Tuesday or Wendnesday in the detectives office, he recalled his visit to Mr. Frank on Saturday and that Mr. Frank remembered it readily. He told Mr. Frank, he said, that if it would do any good to mention his visit he would tell of it. Mr. Frank suggested that he mention it to his lawyer first, the witness said.

At this point Mr. Quinn, in response to a question, again denied that he had told Officer Payne or Detective Starnes or Campbell that he hadn't been to the factory since Friday.

The witness said that he knew Miss Grace Jones and that he thinks she has been at the factory since the tragedy. He hadn't accompanied Miss Jones from the factory; he said, and had not seen her since the tragedy, except on the fourth floor of the factory. He had talked to her there, he said, to see if she would not come to work in his department in case there were a number of vacancies that were anticipated. Mr. Quinn said that he didn't remember discussing the Phagan case with Miss Jones.

Mr. Quinn said that he paid the Colemans a visit of consolation on Thursday. He went, he said, at the suggestion of Mr. Darley and Miss Magnolia Kennedy and because he thought he should go. His visit was purely one of consolation, he said.

Coroner Donehoo then asked Quinn:

"Did you ever tell Mr. Coleman (Mary Phagan's stepfather) how Frank acted toward the girls in your department?"

"No, sir."

"Did you ever tell Mr. Coleman how you treated the girls?"

"Yes, I told him I had always tried to make the girls feel at home. Frequently in fixing their machines, I would tell them to 'Get out of the way and let papa fix it.' I told Mr. Coleman how jolly Mary was—about a remark she made once: 'Yes, you look like papa!'"

"Do you know a man named Barrett?"

"Yes."

"You never mentioned to him that you went to the pencil factory that Saturday?"

"No, sir."

"When was the first time that you told anybody that you had been up there Saturday?"

"I told my father the next day, on Sunday. I didn't tell Chief Lanford or any of the detectives until last Monday."

"Why did you withhold that information?"

"I wasn't asked about it."

"You didn't consider it your duty to tell unless you were asked?"

"No, I didn't want to be dragged into it any sooner than necessary."

"State what else you know, that you have retained."

"Nothing."

"You are not withholding anything then?"

"No, sir, nothing."

"You say it was your duty to come down and see Mr. Frank after his arrest?"

"Yes, sir."

"Do you consider it your duty to protect Mr. Frank?"

"No, sir."

HIS PAY WENT ON.

He was asked if his pay went on while he called upon Mr. Frank at the jail, and said yes. Answering further questions, he said that now and then he got away for matinees, etc., but that his pay went on, that he wasn't docked for absences. He was asked about his call at the jail.

“You came down and recalled your visit to Mr. Frank. Did he tell you to keep quiet about it until he had told his lawyers?”

“No. He remarked that he was going to tell his lawyers.” He said that Mr. Frank remembered his having been there, but did not remember the time of the visit until his attention was called to it.

“Why did you volunteer this information to Mr. Frank and not to the detectives?”

“I knew he couldn’t question me for three or four hours and the detectives could.”

“Did Mr. Frank consider it advisable that nothing be known about this?”

“No, sir. Mr. Frank didn’t ask me not to tell about it. I didn’t volunteer to tell it, because I expected to be asked every day.”

“Why didn’t you want to be questioned?”

“I knew they had three or four men holding them here, and they could hold me if they wanted to, as I had been in the building on Saturday.”

Other questions intervened, and then the coroner asked:

“Did you go out to Mrs. White’s yesterday?”

“No, sir; I don’t know Mrs. White.”

“Arthur White’s wife—you know Arthur White?”

“Yes, but I never have been out to his house.”

Quinn was excused from the stand at this juncture.

MISS DAISY JONES CONVINCES JURY SHE WAS MISTAKEN FOR MARY PHAGAN

Atlanta Journal

Thursday, May 8th, 1913

Miss Daisy Jones, identified by J. L. Watkins as the girl whom he had mistaken for Mary Phagan on the afternoon of April 26, appeared before the coroner's jury dressed exactly as she was on that afternoon, and testified that she had been just where Watkins said he saw Mary Phagan at the hour when Watkins thought he saw the girl, and that she had crossed a vacant field just as Watkins described Mary Phagan as having done.

In short, with Mr. Watkins' new testimony, she proved conclusively that it was not Mary Phagan who was seen that afternoon there, but herself—the witness.

She lives at 251 Fox street, said the witness. She is fifteen years old. Her home is on the corner of Fox and Lindsay streets, one block from Mary Phagan's home. Between 5 and 6 o'clock on the afternoon of Saturday, April 26, said she, she carried her father's supper to him in his store at the corner of Bellwood avenue and Ashby street. She went back home along Bellwood avenue and crossed a vacant field before she reached Lindsay street, passing between two trees in that field.

She was acquainted with Mary Phagan, said the witness. They were about the same size, said she, though Mary was a little heavier and not quite so tall. Their hair was about the same color, she said.

On the afternoon of April 26, said she, she was dressed exactly as she appeared there at the inquest—in a blue serge skirt, white shirtwaist with a blue bow on the front of it, and a blue bow in her hair. The coroner asking her height, she was measured against a board in the detectives' office and was found to be five feet one and a quarter inches tall.

MISS HATTIE HALL, STENOGRAPHER, LEFT PENCIL FACTORY AT NOON

Atlanta Journal

Thursday May 8th, 1913

Miss Hattie Hall, a stenographer, was called to the stand after Quinn was excused.

When Miss Hall was excused, shortly before 12:30 o'clock, she was told to return at 2:30 o'clock, as she probably would be recalled then. Miss Hall's testimony revealed nothing not already known, and was vague upon a number of points already testified to by others. It bore mainly upon the period when she was in the office of the National Pencil company on the morning of Saturday, April 26. According to her, she was there from about 11 o'clock until noon. She saw nothing of Mary Phagan and could throw no light upon the mystery. The coroner questioned her minutely as to hours and minutes and details of her own actions.

She lives at 69 Luckle street, she said, and is a stenographer employed at the office of Big Montag, of Montag Brothers, 10 and 12 Nelson street, to attend to the correspondence of the National Pencil company, of which she said Mr. Montag is treasurer. The books of the pencil company are kept there, she said.

ARRIVED AT 8 O'CLOCK.

She arrived at work about 8 o'clock Saturday morning, April 26, she said. After telephoning to Mr. Frank at the pencil factory and learning that he needed help over there, and after Mr. Frank had come to the office of Mr. Montag for some purpose, she went to the pencil factory, leaving the Montag office between 10:30 and 11 o'clock, she said, walking over to the factory. She worked in the outer office after taking some dictation from Mr. Frank in the inner office. She acknowledged to a number of orders, using postcard blanks which she stamped with dates, etc. She didn't remember a man near the clock, didn't remember seeing the day watchman, Mr. Holloway, didn't remember whether he was there or not. She wrote about ten or twelve letters, couldn't remember anything about any of them except that one related somehow to a die for stamping pencils; made carbon copies of them, and put her initials on the typewriter in one corner of each. She described vaguely several people who called—the father and stepfather of two of the factory boys, who talked with Mr. Frank, he telling her later that the boys had gotten into trouble about breaking up an automobile or something like that; a "Mrs. Somebody," whose husband worked in the factory; two young women,

one of whom got a pay envelope. She was writing the letters when the two young women called. She has been a stenographer since December 4, she said.

LEFT ABOUT NOON.

When she finished her work she went straight home, she said. She left the office almost exactly at 12 o'clock, for she noticed the whistles blowing. She found she had forgotten her umbrella, and went back upstairs after it, looking at the clock and noticing that it pointed at about 12:02. She told minutely what she did that morning, and what she was accustomed to do at the factory office.

No important discrepancy was noticeable between her story and that of Mr. Frank, who already had testified about her being there.

MR. FRANK'S TREATMENT OF GIRLS UNIMPEACHABLE, SAYS MISS HALL

Atlanta Journal

Thursday, May 8th, 1913

Miss Corinthia Hall, an employee in the factory, was the first of the young women employed there to testify before the coroner from their viewpoint regarding Mr. Frank's attitude and demeanor toward them.

She declared his conduct toward the young women in the factory to be irreproachable.

She works in the varnish department on the fourth floor of the pencil factory, and lives at 19 Waverly street, Kirkwood, she told the coroner. She has been working at the factory about three years, she said.

About 11:45 o'clock on the morning of April 26, she said, she left the pencil factory. She had been there for about ten minutes with Mrs. Emma Freeman, a bride of a day, formerly employed there, to get Mrs. Freeman's coat. She remembered looking at the clock as they went out. She and Mrs. Freeman spoke to Mr. Frank. He asked Mrs. Freeman, "How's the bride?"

"How did he know she was a bride?" queried the coroner.

Miss Hall said Mrs. Freeman (who had been Miss Clark the day before) ran away from the factory to the minister's to get married. Mr. Frank was in the door of his office, said she. She saw a stenographer and Mrs. White in the office. Frank asked her, the witness, to tell Arthur White that his wife wanted to see him downstairs. Arriving on the fourth floor, she saw Arthur White, Henry Denham and Mrs. Mae Barrett. The coroner asked her a number of questions as to what Mrs. Barrett had in her hands, if she saw any crocus sacks there. The witness said that she did not see any crocus sacks in Mrs. Barrett's hands. Mrs. White did not come upstairs at the time. White went downstairs to her. The witness got Mrs. Freeman's coat and went downstairs, and White introduced her to his wife.

MET QUINN IN CAFÉ.

The coroner asked the witness if she knows "Mr. Hays, who works in the office of A. P. Stewart, tax collector." She knew Maybell Hays' father, replied the witness. The coroner asked her if she told Mrs. Hays anything about Mrs. Barrett and some crocus sacks, and she replied that she did not. She detailed her movements after leaving the factory. She went down a couple of doors and used the phone in Harry Malsby's place, she said. She went to the drug store nearby. She came back to Malsby's and used the phone again, not having reached the person whom she wished to talk to. Then she and Mrs. Freeman went into the "Busy Bee" café, on the corner of Hunter street, to get some coffee and sandwiches. Lemmie Quinn came in. Just before he came she had paid for the sandwiches, giving a \$5 bill, and received a lot of silver change. She got Quinn to give her bills for some of this, she said.

That was about 12:30 o'clock. She asked Quinn what he was going to do that afternoon. He said he was going to the Atlanta theater. His wife didn't want to go, he said. She told the coroner the name of a young man, saying that it was to him that she telephoned. Asked about the employees on the fourth floor, she mentioned the name of Joe Sletzer, foreman in that department. Replying to a question from the coroner, she said she didn't know of any trouble between White and Sletzer. She did not see Mary Phagan on Saturday. The last time she had seen Mary Phagan was on the preceding Monday, which was the last day that Mary worked there. She did not see Holloway, the day watchman in the factory, that Saturday, but did not see him on the street nearby when she and Mrs. Freeman approached the place.

"Do you know whether Mr. Frank knew Mary Phagan?"

"No, I don't think so. He doesn't know many of us."

"What is Mr. Frank's conduct toward the girls working in the factory?"

CONDUCT IRREPROACHABLE.

The witness replied in effect that it is irreproachable, so far as she knows.

"You never saw him display any undue familiarity toward any of them, did you?"

"No, sir."

"Did you ever see him chuck any of them under the chin, or try to kiss them?"

"No, sir!" answered the witness, with emphasis.

She was excused, and the inquest recessed immediately, at 12:55 o'clock for lunch.

**PHAGAN INQUEST IN SESSION; SIX WITNESSES ARE
EXAMINED BEFORE ADJOURNMENT TO 2:30**

Atlanta Journal

Thursday, May 8th, 1913

HE STICKS TO HIS STORY



—STAFF PHOTO BY WPA.
LEMMIE QUINN,
Foreman, who testified that he visited the factory and talked to Mr. Frank
just after Mary Phagan is supposed to have left with her pay envelope.
He was given a searching examination by the coroner Thursday, but stuck to
his statement.

Lemmie Quinn

Lemmie Quinn, the Factory Foreman, Was Put Through a Grilling Examination, but He Steadily Maintained That He Visited the Factory Shortly After the Time Mary Phagan is Supposed to Have Left With Her Pay Envelope

FRANK'S TREATMENT OF GIRLS IN FACTORY DESCRIBED AS UNIMPEACHABLE BY ONE YOUNG LADY EMPLOYEE

Mr. Frank's Manner at the Time He Was Informed of the Tragedy by Officers at His Home on Sunday Morning is Told of by Former Policeman — Both Frank and the Negro Night Watchman Are Expected to Testify During Afternoon, When Inquest Will Be Concluded

The coroner's inquest into the mysterious murder of Mary Phagan adjourned at 12:55 o'clock Thursday to meet again at 2:30. At the hour of adjournment, six witnesses had testified. They were "Boots" Rogers, former county policeman; Lemmie Quinn, foreman of the pencil factory; Miss Corinthia Hall, an employee of the factory; Miss Hattie Hall, stenographer; J. L. Watkins and Miss Daisy Jones. L. M. Frank and Newt Lee, the negro night watchman, were both present at

headquarters during the morning session, but neither had been recalled to the stand when recess was ordered. Both are expected to testify during the afternoon, when an effort will be made to conclude the inquest and return a verdict.

Though put through a searching examination by the coroner in an effort to break down his statement that he had visited the factory on the day of the tragedy shortly after noon just after Mary Phagan is supposed to have received her pay envelope and left, Quinn stuck to his story. He declared that he had recalled his visit to Mr. Frank, and that Mr. Frank told him he was going to communicate the fact to his lawyers.

“Boots” Rogers testified that Mr. Frank had changed the tape in the time clock while the officers were in the factory Sunday morning after the body of Mary Phagan had been found, and that he stated at the time that the sheet he took from the clock seemed to be correct. Rogers also described Mr. Frank’s manner when the officers went to his home in an automobile to take him to the factory Sunday morning.

Miss Corinthia Hall, an employee in the factory, testified that Mr. Frank’s treatment of the girls in the factory was unimpeachable. She also testified that she had met Lemmie Quinn at a restaurant near the factory near the noon hour Saturday, her statement being confirmatory of his visit to the factory on the fatal day. J. L. Watkins testified that he had mistaken Miss Daisy Jones for Mary Phagan when he thought he saw Mary on the street near her home on Saturday afternoon about 5 o’clock. Miss Jones testimony was also in this connection.

NEW WITNESSES CALLED.

Following a conference between Solicitor General Dorsey, Assistant Solicitor General Stephens and Chief of Detectives Lanford, just after the inquest recessed for lunch, it was learned that Leo M. Frank and Newt Lee would be recalled at the afternoon session and that there would be the following new witnesses: Miss Alice Wood, of 8 Corput street; Miss Nellie Pitts, of 9 Oliver street, and Mrs. C. D. Dunnegan [sic], of 165 West Fourteenth street.

“Boots” Rogers, formerly a county policeman, was the first witness. Mr. Rogers said that he lived at 100 McDonough road. He was at the police station at 3 o’clock on the morning of April 27, he said, when a call came from the factory of the National Pencil company. The officers responded to the call

in his automobile, he declared. Those who went with him were Police Sergeants Brown and Dobbs, Call Officer Anderson and Britt Craig, a newspaper reporter.

Mr. Craig was the first person to enter the basement, the witness said. He (Mr. Rogers) entered second; Dobbs and Newt Lee, the negro night watchman, bringing up the rear. All saw the body about the same time, Mr. Rogers said.

The witness said that the girl's body was lying face down, with the hands folded beneath the body. The body was turned over by Police Sergeant Dobbs, he said.

Rogers continued that they found two notes near the body. The first note, found by Sergeant Dobbs, was on white scratch paper and on a tablet lying face down. The sheet with the note on it was detached and fell off when the tablet was picked up. It was lying about a foot from the body's right shoulder. Another note was found later, written on a yellow order blank of the factory, lying about a foot from the feet of the body. Rogers wasn't sure whether he or Sergeant Dobbs noticed that first. He didn't notice a sharpened pencil nearby. There were a number of stubs, but none sharpened that he saw.

Asked "Who telephoned Mr. Frank that the girl was dead?" he said no one did as nearly as he remembered—that Detective Starnes telephoned Mr. Frank later in the morning to come down to the factory.

About two or three minutes after the first officers arrived with him, said Rogers, they were admitted to the factory. They saw the negro night watchman, Newt Leet, through the glass door, coming down the stairs with his lantern.

"She's down in the basement—she's down in the basement," Rogers said the negro told them first. He showed them the way down, indicating the trap door and the ladder. Britt Craig, a newspaper man, went first, and was followed by the witness, then by Sergeant Dobbs of the police, and last by the negro.

Everything was in gloom, though a gas jet was burning dimly at the foot of the ladder.

NEGRO WASN'T EXCITED.

“Look out, white folks, you’ll step on her,” the witness said the negro exclaimed when they started toward the rear of the basement. The negro took the lead then, with his lantern, and led them to the body. The negro’s manner was as cool as that of a man would be under the circumstances, said the witness. The negro wasn’t excited. “He was being questioned by all of us,” said the witness. He answered questions promptly.

“How did you happen to find the body?” the witness said was one of the questions put to the negro. He repeated the negro’s answer—of how he was making his rounds, and entered the basement, and by the dim rays of his lantern noticed a suspicious looking object on the ground near the back. “Somebody’s put that there to try to scare me,” the negro said he remarked to himself, going over to see closer. The body was revealed and he hurried back upstairs to telephone the police.

BODY FOUND FACE DOWN.

The witness said that Sergeant Dobbs asked the negro how the body was lying when he found it. The negro’s answer was “on its face.” “Did you turn it over?” the negro was asked; and answered “no sir, I didn’t touch it.”

This point of the evidence was in conflict with previous testimony by the negro himself, who swore at the inquest that when he found the body it was lying on its back face up, with its head toward the back door—exactly the reverse of the position in which the officers found it.

Rogers, the witness, said that the body was lying on its face, hand folded beneath it, when he and the officers first saw it. The negro stuck to the same story while answering all the questions, said the witness. After about ten minutes Sergeant Dobbs ordered that the negro be held under arrest. The negro was taken upstairs by Call Officer Anderson. The rest of them looked around for the girl’s left shoe, which was missing from the body.

Officer Anderson and the negro went upstairs first alone. Twenty or thirty minutes later the witness went up and found the officer and the negro sitting in the office. Anderson was trying to telephone to some of “the factory folks,” said the witness. The negro was sitting nearby in silence. Some one suggested that the officer telephoned to Mr. Frank, the superintendent, at his home. Anderson tried to get Mr. Frank’s number. There was no answer. Anderson talked to the operator, and told her something very serious had happened and that the call was urgent; and Anderson said he heard the persistent ringing that followed.



Daisy Jones, who was mistaken for Mary Phagan

IDENTIFIED AS MARY PHAGAN.

While he and Sergeant Dobbs had been moving about downstairs, looking for the girl's shoes, said Rogers, they found the staple on the back door pulled, and pushed the door back and went out into the alley, searching it to Hunter street for some clue. Rogers then went away to find some one to identify the body, said he. The shoe was found by somebody else later. He went to 100 McDonough road, said he, to get Miss Grace Hix, a relative of his own, whom he knew to be employed in the factory. He brought Miss Hix back with him in the automobile, and she identified the body as that of

Mary Phagan. Miss Hix sought first to telephone to Mary's mother, Mrs. J. W. Coleman, but there was no phone in the Coleman home, so she telephoned instead to the home of another girl, Miss Ferguson, and got Mrs. Ferguson, and asked her to go over and break the news to Mrs. Coleman.

MR. FRANK NOTIFIED.

Mr. Rogers said that Detective Starnes, who had been summoned to the factory, called Mr. Frank over the telephone shortly after 6 o'clock. The witness said that he drove Detective Black to Mr. Frank's home, and that Mrs. Frank, wearing a heavy bathrobe, came to the door. He said that Mr. Frank stood in the hall, fully dressed except his collar and tie.

The witness said that Mr. Frank appeared nervous and excited and asked whether the night watchman had reported to the police that something had happened at the factory. Mr. Rogers said that neither he nor Mr. Black answered.

The witness said that Mr. Frank remarked that a drink of whiskey would do him good and that Mrs. Frank said there was none in the house, but insisted that Mr. Frank get some breakfast before going out. However, they hurried to the undertaking establishment, the witness said.

Mr. Rogers said that on the way to the undertaker's establishment, Mr. Frank remarked that he had dreamed he had heard his telephone ring about daybreak. Detective Black asked Mr. Frank whether he knew Mary Phagan, the witness said, Mr. Frank replying that he didn't know whether he did or not.

The witness said that Mr. Frank did not go into the room in which the Phagan child's body lay.

Mr. Frank remarked, the witness said, that he could refer to his payroll and see whether Mary Phagan worked at the pencil factory.

"Was Mr. Frank steady or trembling at the undertaking establishment?" was asked Mr. Rogers.

"I couldn't say," he answered.

Mr. Frank suggested that they go to the factory, the witness said. At the factory, the witness said, they found a number of detectives and policemen and Mr. Darley, an official of the factory, who had

been summoned. They went upstairs, the witness aid, to the office and Mr. Frank referred to the payroll, saying that Mary Phagan worked there and that she had been paid \$1.20 the day before, shortly after 12 o'clock.

ELEVATOR AT SECOND FLOOR.

The witness said that Mr. Frank then asked if the pay envelope had been found, remarking that it must be around somewhere. They went to the basement in the elevator, which stood at the second floor, the witness said. Mr. Frank switched the current and there was some delay in getting the elevator to work. The fire doors of the elevator were open at this time, Mr. Rogers said, but he didn't remember whether they were open or closed when he went to the factory the first time.

The elevator was run to the basement, the witness said and Mr. Frank was shown where the body had been found.

CHANGED TAPE IN CLOCK.

When he returned from the basement, said the witness, he sat in Mr. Frank's inner office with the negro , Lee. Mr. Frank stayed in outer office, but came in twice where he and negro were, and, on the second trip, Mr. Frank looked at the negro and shook his head and said, "Too bad!"

Mr. Frank asked repeatedly if the officers were through with him, saying he wanted to go out and get a cup of coffee, but no opportunity to get the coffee arose. After a while, said the witness, after Mr. Frank had been through the building with Chief of Detectives Lanford, Mr. Frank suggested that they change the tape in the time clock. Mr. Frank took a key to the clock, which he wore on a ring at his belt, and opened the clock with it and removed the time slip and laid it down by the clock. He then went back into his office and got a blank slip. He asked one of the officers standing near to hold back a little lever while he inserted this slip. The lever knocked against a little pencil in the clock. Newt Lee, the negro, was standing near. Mr. Frank turned to the negro and asked, "What is this pencil doing in the hole?" Lee said he had put it there so his number would be sure to register every time he rang. Mr. Frank put the key back at his belt and dated the slip which he had taken from the clock with a pencil which he took from his pocket. The witness though Mr. Frank wrote the date "April 26, 1913," on it, but he wouldn't be sure about that, he said.

Mr. Frank, after examining the slip, stated that it was punched correctly, said the witness. He also looked at the slip. The first punch started at 6 p. m., and it was punched every half hour, the witness

thought, up to 2:30 o'clock. At 2:30 was the last punch. Mr. Frank took the slip into his own office, said the witness, and the witness said he did not know what became of it after that. A little later they all got into his automobile, said Rogers, Mr. Frank sitting in Mr. Darley's lap in front beside him (the witness) at the wheel, and some of the officers sitting with Frank in the back.

At this point the coroner asked where Mr. Darley was when the clock slip was being removed. He was standing near by, said the witness.

After delivering his passengers at police headquarters, said Rogers, he went with Miss Hix to take her back to her own home.

On the trip to headquarters, said he, Mr. Frank did not seem to be as nervous as he had been. When he returned to headquarters, said the witness, the detectives were getting Newt Lee, the negro, to write. Lee then seemed very nervous.

STAINS ON SHIRT WERE NOT MADE WHILE SHIRT WAS BEING WORN

Atlanta Journal

Thursday, May 8th, 1913

A number of new witnesses had been summoned for the inquest, and the indications were said to be that the session (promised as final in the coroner's investigation) might last all day.

It became known, before the inquest convened, that several witnesses whom the detectives have discovered would not be introduced there at all. The evidence that they can furnish, whatever it may be, will not become public until some later time, it was said.

It was stated further Thursday morning that the report by Dr. Claude A. Smith, city bacteriologist, upon the analysis by him of stains upon the shirt supposed to have been found at the house of Newt Lee, the negro, had been mailed to Chief of Police Beavers late Wednesday afternoon. The report set forth, it was said, that the stains are not old, and that probably they are stains of human blood.

It was learned further regarding the bacteriologist's report that it stated that the shirt had not been worn since it was washed—in other words, that the blood had been thrown on the shirt or had been mopped up by it.

Regarding the chips taken from the floor of the factory, the report [1 word illegible] that they, too, showed human blood.

No comparison between the blood on the chips and that on the shirt was made.

BODY IS EXHUMED.

The body of Mary Phagan was removed Wednesday from the grave at Marietta for a second time Wednesday evening, and Dr. H. F. Harris, of the state board of health, made another examination, the nature of which is being kept secret.

Mr. and Mrs. J. W. Coleman, parents of the murdered child, have objected so strenuously to the second exhumation, it is said, that it is not expected that the body will be again removed from its resting place.

Solicitor General Hugh M. Dorsey, who has taken active charge of the investigation in the murder case, spent more than an hour in Newt Lee's cell at the Tower Wednesday, questioning the negro. It is said that Lee stuck closely to his first story, despite a vigorous cross examination.

Bill Bailey, who was bunkmate of Lee, when both were in the chain gang some years ago, spent twenty-four hours in the his cell, having been sent there by the detectives. It is probable that Bailey may be used as a witness at the inquest.

DETECTIVES VISIT FACTORY.

Shortly after 1 o'clock City Detective John Black and Harry Scott, of the Pinkerton agency, who are working on the Phagan murder mystery, were driven to the building of the National Pencil company's plant in the automobile of ex-County Policeman "Boots" Rogers.

The officers entered the place and remained about half an hour. When they returned to the street, both detectives were non committal. They acknowledged, however, that they had visited the factory in an effort to make themselves clear on some points.

CHARACTER WITNESSES ARE CALLED IN THE CASE BY CITY DETECTIVES

Atlanta Journal

Friday, May 9th, 1913

Tom Backstock, of 21 Hightower street, a youth of about sixteen or seventeen years, testified that he worked at the pencil factory about a year ago. He didn't know Mr. Frank personally, he said, but knew him when he worked at the factory.

"Did you have any opportunity to observe his conduct with the women there?" the lad was asked.

"I saw him 'pick' at the girls," was the reply.

"Who were they?" the coroner asked.

"I couldn't tell their names now," he said. "I didn't work there long enough to get very well acquainted."

The coroner asked how Mr. Frank had acted and the boy said he had placed his hands on some of them. He didn't know how many times he had seen this.

In reply he mentioned the name of a girl, but said he had simply heard a rumor since the crime was committed. He knew nothing of his own knowledge.

The witness said he had never heard any of the girls complain, but had seen them trying to get out of Mr. Frank's way. He worked at the pencil factory about six weeks, he said, and stopped because he found a better position.

Miss Nellie Wood, of 8 Corput street, said that she didn't know Mr. Frank very well. She had worked at the factory two days about two years ago, she said.

Miss Wood said that she was employed as a forelady. Mr. Frank would come to her and put his hands on her "when it was not called for," she said.

"Any other girls?" the coroner asked.

"No, sir, not that I saw," she said.

"Is that all he did?" the coroner asked.

"No, that's not all," the witness replied, "He asked me into his office to talk business on the second day I was there. The subject of the conversation was whether I was going to stay there. He wanted to close the door. I objected and he said, 'Don't worry. No one is coming.' He was too familiar. I didn't like it."

The witness said that Mr. Frank attempted familiarity and then tried to pass it off as a joke, but that she told him she was "too old for that."

Mrs. C. D. Donegan, of 165 West Fourteenth street, said that she worked at the factory about three weeks two years ago. She said that Mr. Frank had smiled and winked at the girls, but never more than that. She denied that she had told Detective Scott anything more than this.

CORONER DONEHOO POINTS OUT THE LAW TO THE JURORS

Atlanta Journal

Friday, May 9th, 1913

The coroner's charge to the jury was in part as follows: "You have heard the statement of the county physician. You have seen what caused death. You have seen the body and have heard the evidence in the case.

“It is your duty to inquire diligently as to how Mary Phagan came to her death. That was your oath. In case of unnatural death, you were to determine at whose hands death came.

“You have heard the county physician say strangulation caused death. In determining who is guilty of the murder you turn to the evidence, and if you find that any other party is implicated or is attempting to shield the murderer, he is guilty in the same degree.

“Your position in this matter is similar to that of a commitment court, not a trial court.

“If there is a reasonable suspicion in your mind directed against any person or persons in connection with this crime, it is your duty to hold them. You can also hold witnesses who are essential in trying this case. If you think anybody not actually connected with the case has important information bearing upon it, you can hold them.

“If you believe any one is concealing information, it is your duty to commit that person as an accessory of the crime.”

DETECTIVE HARRY SCOTT’S TESTIMONY AS GIVEN BEFORE CORONER’S JURY

Atlanta Journal

Friday, May 9th, 1913

An unexpected turn was given to the coroner’s inquest into the mysterious murder of Mary Phagan, Thursday afternoon, when Harry Scott, the Pinkerton detective who has been representing that agency in its work on the case, was called to the stand by the coroner. Mr. Scott was in the room at the moment.

One new detail that he revealed was in a reply to a direct question from the coroner, when he stated that Herbert Haas, attorney for Leo M. Frank and attorney for the National Pencil factory, requested him and superintendent of the Pinkerton agency in Atlanta to withheld [sic] from the police all evidence they gathered until he, Mr. Haas, would consider it.

Their reply, said Mr. Scott, was that they would withdraw from the case before they would do that.

He proceeded to say that he and his firm still are retained by the pencil company.

Mr. Scott was called to the stand when Assistant Superintendent Schiff, of the pencil factory, left it.

He is assistant superintendent of the Atlanta agency of the Pinkerton detective service, he said. He lives at 52 Cherry street. The agency was retained in the case by the National Pencil company "to locate the party responsible for the murder of Mary Phagan." The engagement was made Monday afternoon, April 28, when, about 4 o'clock he received a phone call from Leo M. Frank, superintendent of the factory, and in response to it he (Scott) went to the factory to see Mr. Frank. There, said he, he found a group of men whom he afterward identified as Frank, Mr. Darley and others, standing around the time clock, talking. He introduced himself and said he wanted to see privately whoever was particularly interested in the case. He and Mr. Frank and one or two others went into a private office, and Mr. Frank called Sig Montag, treasurer of the company, over the telephone to get authority to employ the detectives.

Asked how Mr. Frank broached the subject to him, Mr. Scott said the factory superintendent remarked: "I guess you've read of the horrible murder committed? We feel that the company ought to make some investigation to show the public we are interested in clearing up the crime. We want the Pinkertons to locate the murderer."

Mr. Frank then told him all he (Mr. Frank) seemed to know about the matter, said the detective. Mr. Frank said that he had been down at police barracks a short while before, and that Detective Black seemed to suspect him of the crime.

QUOTED FRANK IN DETAIL.

Mr. Frank detailed his movements on that particular Saturday, said the detectives. The witness quoted as he remembered the relation, giving the same story that since has been elaborated by Mr. Frank himself and others on the stand. Mr. Scott said that the superintendent said he left the factory about 6:15 on the afternoon of Saturday, April 26. As he went out of the front door, he said, he saw Lee sitting on a packing box outside talking with Gantt, formerly a bookkeeper in the factory. Then he went on to relate the matter as it is already generally accepted, about leaving Gantt there and telephoning to the night watchman later after failing to get him once over the telephone.

After getting the watchman over the telephone and learning that everything was all right, Mr. Scott said, Mr. Frank told him he (Mr. Frank) "prepared to go to bed about 9 o'clock."

He asked Mr. Frank very few questions, said the detective. He took notes of what was told to him. He went over the building with Mr. Frank then, looking at the elevator, the time clock, the machine room, where Frank pointed out to him a machine on which human hair was said to have been found that morning, and pointed out also what were believed to be blood stains on the floor. Mr. Darley accompanied them. He went into the basement with his escort, said the detective, and saw the trash pile where the hat and shoe had been found, also the spot where the body had been found, and the staple that had been pulled with the lock from the back door.

OFFERS NO THEORY.

Mr. Frank advanced no theory about the crime, said the detective, and offered no suggestions. He talked to him the night afterward at police headquarters, in the presence of Detective Black, but he didn't ask the pencil superintendent for a statement because he understood the police had one already. He denied that Mr. Frank had reprimanded him for too much zeal or had remonstrated with him for trailing him (Mr. Frank).

REFUSED ATTORNEY'S REQUEST.

The detective answered a direct question, however, by saying that Herbert Haas, representing himself to be an attorney for Mr. Frank, did call at the Pinkerton office and there, to Superintendent Pierce and Mr. Scott, made the request that the detectives withhold from the police all information which they gathered until he, Mr. Haas, had considered it. They told him they would withdraw from the case first, said Mr. Scott.

"Who gets copies of your reports?" he was asked by the coroner.

"I think Mr. Sig Montag gets copies of all reports we make," said the witness. He added, replying to questions, that his agency still is employed by the pencil company—"to fix the responsibility for this murder."

"Do you know anything about the conversation Mr. Frank and the negro Newt Lee had along together at headquarters?"

The detective replied that City Detective Black and he suggested to Mr. Frank that he employ this method for drawing from the negro all the information he could, and Frank agreed and went into the room with Lee. He did not know what passed between them, said the detective, except what he learned from the negro's relation of what was said.

DIDN'T TRY TO GET TRUTH.

Mr. Scott said that Newt Lee told him Mr. Frank did not try to get the truth out of him (Lee) during their talk at the police station.

That Lee said he accused Mr. Frank of knowing something and that Mr. Frank only hung his head and later told him if he (Lee) didn't stick to his story they would both go to hell.

That Lee said he told Mr. Frank the crime must have been committed in the day time, and Mr. Frank again only hung his head.

Mr. Scott said that Lee then said he had started to describe to Mr. Frank how he had found the body and that Mr. Frank said, "Let's don't talk about that any more" before he had finished.

Mr. Scott said that Mr. Frank had told him after the conversation with Lee that he couldn't get anything out of the negro. The witness said that Mr. Frank reported that he had asked Lee why there was a break in the time slip and that Lee said he had punched it.

Mr. Scott said that he did not find the bloody shirt at Newt Lee's home—that it was found by Detective Black and Detective Bullard. The witness said that he looked at the shirt and that it seemed to him it had not been worn and that the blood was fresh. He said that Lee, when shown the shirt, said, "That's my shirt," and later qualified his statement by saying that it might be his shirt; that he hadn't worn it in two years.

"Have you any definite information which makes you suspect any party of this crime?" the coroner asked Detective Scott.

WOULDN'T COMMIT HIMSELF.

"I wouldn't commit myself," replied the detective, who continued that his investigation was not complete and that he was working on a chain of circumstances.

“Is this chain of circumstances known to yourself alone?” he was asked.

“No,” replied Mr. Scott, “Detective Black has been with me all the time on the case.”

Mr. Scott was then excused.

DETECTIVE JOHN BLACK TELL THE JURY HIS VIEWS ON THE PHAGAN CASE

Atlanta Journal

Friday, May 9th, 1913

Detective John Black followed Detective Scott on the stand. He was questioned about the finding of the bloody shirt at Newt Lee's home. He said that on the Tuesday afternoon after the murder he went with Detective Fred Bullard to Newt Lee's house at 40 Henry street.

They searched the premises, he said, and found the bloody shirt in a clothes barrel in Lee's room. The shirt was near the bottom of the barrel and was covered with scraps of old clothes, he said, the barrel apparently being used as a dumping place for old garments.

Asked whether he had seen the shirt that Lee had worn the Sunday morning the Phagan child's body was discovered, Detective Black said it was not the same shirt that was found in the barrel. The shirt found at Lee's house had apparently been washed but not [rest of sentence cut off—Ed.]

Juror Langford at this point asked Detective Black, “Have you discovered any positive information as to who committed this murder?”

Detective Black replied, “Do you mean positive information? No, sir, I have not.”

Detective Black contradicted the testimony given at the morning session by Lemmie Quinn by saying that Quinn had told him the Monday after the tragedy that he had not been to the pencil factory the Saturday before.

“Quinn made the statement in my presence two or three times,” said the witness. “On one occasion Detectives Starnes and Campbell questioned him in the basement of the pencil factory and he said he had not been there.”

Detective Black said that it was at his suggestion that Mr. Frank talked to the negro "to get the truth out of him.”

HERE IS TESTIMONY OF WITNESSES GIVEN AT THE FINAL SESSION OF CORONER’S JURY IN PHAGAN CASE

Atlanta Journal

Friday, May 9th, 1913

Full Story of Hearing Thursday Afternoon When Frank, Newt Lee, Detectives Black and Scott and Several Character Witnesses Were Placed on the Stand

The verdict of the coroner’s jury that Mary Phagan came to her death by strangulation and its recommendation that both Mr. Frank and Lee be held for investigation by the grand jury was rendered at 6:30 o’clock Thursday afternoon and marked by the conclusion of one of the most remarkable inquests ever held in this state.

Deputy Plennis Minor carried the news of the coroner’s jury verdict to Mr. Frank and to the negro. Mr. Frank was in the hallway of the Tower, reading an afternoon paper, when the deputy approached him and told him that the jury had ordered him and the negro held for an investigation by the grand jury.

“Well, it’s no more than I expected at this time,” Mr. Frank told the deputy. Beyond this he made no comment.

Newt Lee, says Mr. Minor, was visibly affected. He seemed very much depressed and hung his head in a dejected manner.

The jury was empaneled by Coroner Paul Donehoo on Monday, April 28, and has held four long and tedious sessions for the taking of testimony in addition to meeting to inspect the body and the scene of the crime. Twice the body of Mary Phagan was exhumed at the order of the coroner, in order that physicians might search more thoroughly for clues and evidence.

The reports of the physicians, who made these examinations, have never been made public, even the evidence of the county physician, Dr. J. W. Hurt, having been given the jury behind closed doors. It is said that even to the jury the physician did not go thoroughly into his investigation. The verdict of the jury was rendered after only twenty minutes of deliberation.

Superintendent Frank and the negro, Lee, were both searchingly examined for the second time by the coroner at Thursday afternoon's session inquest, but neither added materially to former statements. Lee was principally questioned about the interview, which Mr. Frank had with him in a cell at police headquarters.

EVIDENCE ALL CIRCUMSTANTIAL.

Harry Scott, the Pinkerton operative on the case, gave interesting testimony of his position in the probe of Mary Phagan's death. Mr. Scott refused to commit himself, when asked if he had definite information as to who killed Mary Phagan. "I am working on a chain of circumstance—that is all," he said.

City Detective John Black in answering the same question said that he had no "positive" information as to the murderer.

A number of character witnesses were introduced towards the close of the inquest.

NEWT LEE TELLS OF THE TALK HE HAD IN THE POLICE STATION

Atlanta Journal

Friday, May 9th, 1913

Newt Lee, the negro night watchman, was recalled and asked to tell about any conversation he had with Mr. Frank at the jail or the police station. Lee said he has not talked to Mr. Frank at the jail, but that he had talked with him at the police station.

Mr. Frank came into the room, where he was, Lee said, and asked, "How are you feeling, Newt?"

"Not so good, Mr. Frank?" Lee said was his answer.

Lee said that he then told Mr. Frank that it was mighty hard on him "an innocent man" to be handcuffed there in the chair, and that Mr. Frank told him he knew he (Lee) was innocent, but he believed he knew something about the murder.

Lee said that he then told Mr. Frank that the officers had said the girl was killed on the second floor; that he said in his rounds of the building he had to pass through the second floor room, which had been indicated, every half hour and that he would have known it if the murder had been committed there.

Lee said that Mr. Frank then said: "Let's don't talk about that. Let that go."

Lee said that the furnace had been fired on Friday, but that it had not been fired on Saturday. He went to work shortly before 4 o'clock, Saturday afternoon and called to Mr. Frank, as usual, "All right, Mr. Frank."

He said that Mr. Frank came out of his office, rubbing his hands, and told him he was sorry he had been forced to come to work so early; that he could have slept two hours longer.

Lee said that he told Mr. Frank that he needed some sleep and that Mr. Frank told him to go out and have a good time and come back at 6 o'clock.

Lee said that he didn't remember Mr. Frank having come out of his office to talk to him before; that he always called him into the office in case he wanted to talk to him.

Lee said that the street door was unlocked when he came to work at 4 o'clock, but that the double doors inside were locked. These double doors were usually unlocked, he said. Lee said that he got in by using his pass key.

The witness said that he didn't remember whether the trap door to the basement was open or closed when he came to work. The fireman always went to the basement through this door, he said.

Lee said that he didn't notice any bloodstains on the second floor. It was dark, he said, and his only light was his lantern.

Lee said that when he returned to work at 6 o'clock Mr. Frank told him to wait until he put on a new tape before he punched the clock; that he didn't use a key to unlock the clock.

Lee explained the pencil found in the clock by saying that he always stuck a pencil there to check himself, and to remember where he had punched last. He was positive, he said, that he had punched the clock every half hour between the hours of 6 p. m. and 3 a. m. the Saturday night of the tragedy.

Lee was asked if the bloody shirt found at his residence belonged to him. He said that he didn't know—it was found at his house, he said, so it must be his. Lee said that a "white lady" had made four shirts for him and this might be one of them. If it was a "store bought" shirt, it did not belong to him, he said.

SUPERINTENDENT FRANK IS ONCE MORE PUT ON WITNESS STAND

Atlanta Journal

Friday, May 9th, 1913

Leo M. Frank general superintendent of the National Pencil factory, was recalled to the stand. He was questioned regarding the elevator. The coroner wanted to know what kind of a door there is to the shaft on the office floor. The witness replied that it is a heavy door solid, that slides up and down.

"Where was the elevator on Saturday, April 26?" he was asked.

"I didn't notice."

"Where was it on Friday night?"

"I didn't notice."

"Was the door open on Saturday?"

"I didn't notice."

Asked whether it would not be possible for some one to fall into the elevator shaft if the door was open, he replied that there is a bar across the door.

"Where was the elevator after the murder?"

"I can only say it was at the office floor on Sunday morning," replied the witness.

The coroner reverted to the time-clock. "What time did you take the slip out of the clock?" he asked.

"I took it out, marked the time on it, and handed it to an officer," replied the witness.

"What officers?"

"I don't remember."

Regarding the guests who, his mother-in-law and father-in-law testified, called at their home Saturday evening, the coroner asked him next.

"Do you remember a party at your home on the night of the murder?"

"Yes."

"Why didn't you tell about it when you were on the stand before?"

"I wasn't asked."

"We asked you about whom you saw. Now can you tell us who was there?"

Mr. Frank named them, corroborating what his father-in-law and mother-in-law had testified as to their identity. He didn't pay much attention to them, said Frank. He merely greeted them and continued his reading.

"Where were you sitting?"

"In the front room."

"Didn't the guests have to pass you when they went to the dining room from the front door?"

"Yes."

"When the officers came out Sunday morning to bring you down to the factory, what was said about something to drink?"

"I told my wife I wanted something warm to drink. One of the officers said that something would do me good. The implication was 'whiskey,' but I didn't mean that. What I wanted was a cup of coffee."

He was asked regarding the telephone call during the night, and repeated that he thought when he got up that he had dreamed of the telephone ringing, and that later when he was told the officers had tried to get him he concluded that the dream was real.

"Did you see the girl's body?"

"Yes. I walked in, and they turned on the light and I looked at the body, recognizing her as the girl I had paid the day before."

"When did you hear the name first?"

"I don't recollect."

"What time did you get home on Sunday?"

"I don't remember, but I think it was about 1 o'clock."

When he telephoned home to his wife Sunday morning he did not give her any of the details of what had happened, said he. "When you went home, did you go into details?"

"No, I merely told them what the detectives found. We didn't discuss it very much."

"What topic did you discuss?"

"I don't remember."

TELLS OF QUINN'S VISIT.

The witness said that Lemmie Quinn, a foreman in the factory, first told him about the visit to the factory on one of the two days that he spent at police headquarters. He said Quinn remarked: "I was there at the office Saturday." The witness said he recalled it when Quinn mentioned about the time.

Mr. Frank could not recollect having told Quinn anything about withholding information about that point until his lawyers could pass on it. He had so many visitors, he couldn't remember a detail like that, he said. He couldn't remember who made the suggestion about consulting attorneys. He didn't know whether Quinn knew (when he recalled the visit to mind) whether he had a lawyer. He didn't remember how long he had counsel at that time.

"When did Quinn mention this visit on Saturday?"

"I don't remember."

"How can you lock the door into the dressing room where the blood was found?"

"I don't know. I suppose with keys. There is a door with a lock, in the partition. A spring in the lock keeps it closed."

"Is there any way to lock the doors and stop passage on the back stairs?"

"There are doors to the stairs, but I never heard of them being locked recently."

TELLS OF TELEPHONE CONVERSATION.

The witness was asked other questions, whose purport was not evident, about these two doors and how they stood that day, and the locks on them, etc. The fact was brought out that there was only one lavatory on that floor, and Mr. Frank, answering a direct question, said he did not enter it all day to the best of his recollection.

Regarding his telephone conversation with a detective who called him early Sunday morning, Mr. Frank said he didn't know who it was, but learned later that it was a detective. "I would like to have you come down at once," he said he was told. He asked what had happened, and was told there had been a tragedy, and they wanted him to identify some one.

"He asked me over the phone if I knew Mary Phagan. I told him I did not. Then he asked me if I hadn't paid off a little girl who worked in the tipping department Saturday afternoon. I said yes, and he said, 'We'll send out after you right away.'"

"Didn't you say the other day that the first time you heard Mary Phagan's name was in the automobile going down town?"

"No."

"Do you remember whether or not Harry Denham and Arthur White had any lunch with them on the fourth floor?"

"I don't remember."

"When you came downstairs to go out to lunch, did you lock the doors leading into the office?"

The witness did not remember. He was asked as to the disposition of the papers he had been working on. He could remember putting them under a paperweight, but could not remember whether

or not he closed his desk. The only people in the building when he left there for lunch, said he, were Henry Denham and Arthur White and Mrs. White.

HIS WORK SATURDAY AFTERNOON.

One of the jurors asked him if he had had any trouble that day about the "time" (pay) of one of the girls working in the factory. He said no, but that Darley had noticed a discrepancy in the time of Miss Mattie Smith and had deducted some cash from the envelope.

Another juror asked, "Did you work on the financial sheet only in the afternoon?"

"Yes."

He got together a few papers pertaining to it, said the witness, before he went to lunch. The last thing he did there that afternoon was to balance his cash. "Did Miss Hall (the stenographer) assist you?" "No." He named again all the people whom he saw about the factory that day. "Do you know Mae Barrett?" asked a juror. Mr. Frank had not called that name. "I never heard of her," answered the witness. He said she could be employed somewhere in the factory, however, without his knowing it.

WITH TWO MEN HELD IN TOWER, MYSTERY OF MURDER DEEPENS

Atlanta Journal

Friday, May 9th, 1913

Belief That the Detectives Had Positive Evidence, Which They Were Withholding, Dissipated by Admissions

SCOTT AND BLACK REFUSED TO NAME MAN SUSPECTED

Case Now Goes to the Grand Jury but No Action Is Expected for a Week—Search for Evidence Will Continue

Coroner Paul Donehoo and the six jurors who investigated the murder of little Mary Phagan in the National Pencil factory on April 26, concluded Thursday the most thorough and exhaustive probe of a violent death ever conducted in this county and probably in the state.

The jury recommended that Leo M. Frank, superintendent of the factory, college graduate and man of culture and refinement, and Newt Lee, an ignorant negro watchman, both be held for investigation by the grand jury.

But the mystery of Mary Phagan's death has not been solved.

After all of the evidence in the long and tedious probe had been given on oath before coroner's jury, and after two weeks of hard and conscientious work by the city detectives and numerous private detectives, Mary Phagan's death is still an admitted mystery.

NO POSITIVE EVIDENCE.

John Black, a city detective, and Harry Scott, of the Pinkertons, two men, who have been at work on the mystery almost since the minute Newt Lee telephoned police headquarters that he had found the body of a murdered woman in the basement of the factory, stated on the witness stand Thursday afternoon that they had no positive evidence that would lay the crime on any individual.

"We are working on a chain of circumstances," Scott told the jury. "I have no positive information as to who committed the murder," said Black.

There have been many rumors to the effect that the state is withholding from public much important evidence.

Undoubtedly the state did withhold evidence at the inquest, which would tend to strengthen the chain of circumstances, but the statements under oath of the two detectives that they had no conclusive or positive information, which would make them name the man they suspect, served to show that the element of mystery has not been dissipated.

UP TO GRAND JURY.

Action by the Fulton county grand jury on the cases of Leo M. Frank, superintendent of the National Pencil factory, and Newt Lee, negro night watchman, suspects in the Mary Phagan murder case, is not expected at least for a week.

Following the commitment of the two men by the coroner's jury Thursday afternoon, interest has been centered in the probable action of the grand jury. That body held one of its regular sessions on Friday morning, but no phase of the Phagan case went before it. The state's case is far from complete, it is said, and, there is much work before the officials will be ready to place their evidence before the grand jurors. The grand jury, however, can take up the matter of its own initiative, and since Judge W. D. Ellis especially charged it to investigate the Phagan case, it is said that two weeks will not elapse before the jury returns "no bills" or "true bills" against the men held by the coroner's inquest.

WHO JURORS ARE.

The present grand jury, which will be in office for this term of court, about two months, is comprised of the following citizens:

L. H. Beck, foreman; F. P. H. Akers; R. R. Nash; Charles Heins, H. G. Rubbard, John D. Wing, R. A. Redding, V. H. Kriegshaber, R. F. Sams, A. D. Adair, Sr., S. C. Glass, J. G. Bell, Cephas M. Brown, George A. Gershon, A. L. Gothman, Walker Dunson, W. L. Percy, C. A. Cowles, Sol Benjamin, R. P. Bell, H. M. Beutell, W. A. Bosser and Albert Roylston.

Only the filing of writ of habeas corpus for one or both of the prisoners is likely to precipitate immediate action by the grand jury, and there has been no intimation from Attorney Luther Z. Rosser, counsel for Mr. Frank, that he will seek the liberation of his client through a habeas corpus writ.

PUBLIC NOW KNOWS ALL FACTS IN MURDER CASE, SAY DETECTIVES

Atlanta Journal

Saturday, May 10th, 1913

Pinkertons Declare the State Has No Evidence of Importance That Hasn't Been Given to the Newspapers

IDENTITY OF SOLICITOR'S DETECTIVE A MYSTERY

Chief Lanford Believes He Is One of Sheriff's Capable Deputies—Gantt Questioned, Newt Lee Has Lawyer

The probe into the mystery of little Mary Phagan's death two weeks ago still goes on.

The small army of professional, amateur, city, state and private detectives which took up the chase of the murderer soon after the horrible details of the crime became known still pursues the investigation with unabated vigor.

Solicitor Dorsey's detective, heralded as the best in the world and admitted by the solicitor to be an A-1 man, remains a mystery. Mr. Dorsey refuses to divulge his identity, and even the attaches of his office profess not to know his name.

N. A. Lanford, chief of the city detectives, who has known not even a twelve-hour working day law since the crime was discovered, and who has been vigorously following every tangible "lead," treats the entry of Mr. Dorsey's sleuth into the limelight very lightly, and expresses an opinion that the mysterious man is no other than a very conscientious and efficient young deputy in the solicitor's office.

PUBLIC KNOWS ALL.

Officials of the Pinkerton agency, which has been employed to ferret out the mystery by the National Pencil company, declare that they are well satisfied with the progress made, and add that the public is now in possession of practically all of the really important points in the state's case. They regard as highly important the testimony of Miss Monteen Stover.

The Pinkertons state that the identity of the mysterious detective who has been brought into the case by Solicitor Dorsey, is not known to them.

"We welcome any assistance which the alleged detectives can give the state, for we are only interested in seeing the mystery cleared and the guilty party brought to trial. However, working with the city department, and giving it the benefit of everything we learn, we have done all that is humanly

possible for detectives to do, and we are continuing the probe with the intention of leaving no stone unturned.”

Solicitor Dorsey on Saturday again gave practically his entire time to the Phagan investigation, and interviewed during the morning many of the city detectives, who are working on the case.

GANTT INTERVIEWED.

Among the witnesses whom he saw Saturday was J. M. Gantt, who for a few days was held by the detectives in connection with the case. Gantt, it is said, made a statement relative to the nervousness of Superintendent L. M. Frank when he met Gantt at the door of the factory Saturday afternoon two weeks ago.

Newt Lee, the negro ordered held by the coroner's jury, stated to Deputy Plennie Minor Saturday that in future he would refuse to talk to anyone except his attorney. The negro didn't remember his lawyer's name, but it was later learned that he is being represented by Attorney Bernard L. Chappelle, of 609 Temple court building. Attorney Murray Donnell, who was first reported to be counsel for the incarcerated negro, states that the report is a mistake.

As the result of the Phagan investigation it is probable that the city council will be asked to allow the city detectives money for reasonable expenses incurred in their investigations.

The city detectives, who are working sixteen hours a day on the case and who have been at the grueling work steadily for two weeks, have incurred considerable expense, which must come from their own pockets since they are allowed nothing but car fare by the city.

IMPORTANT WITNESS.

Monteen Stover, a fourteen-year-old girl of 171 South Forsyth street, has made an affidavit declaring that she went to the office of Superintendent L. M. Frank, of the National Pencil factory, at 12:05 o'clock on last Memorial day, and remained there until 12:10 o'clock without seeing any person in the building.

The young girl, who is a former employee of the factory, is regarded as one of the state's most important witnesses, and her testimony will be used to help strengthen the state's case, when the Phagan murder mystery is investigated by the grand jury.

Mr. Frank testified at the inquest that he remained in his office from the time the stenographer, Miss Hall, left as the noon whistles blew until the arrival of Lemmie Quinn at 12:25 o'clock.

He also declared that Mary Phagan entered the office about 5 minutes after 12 o'clock, the time Miss Stover says that she came to the office and found it empty.

According to Miss Stover she walked up the steps at 12:05, and looked at the clock, which she was accustomed to punch, and went straight to the office. There was no one in the outer office, so she went to Mr. Frank's private office and found it empty. She waited for five minutes, she says, and having heard no one in the building, left.

The detectives found this witness last Saturday when she returned to the factory to get the pay envelope, which she failed to get on her trip to the factory the week before.

She was with her mother on this second trip and they told of the former visit, when the officers, who were stationed at the door of the factory, stopped them.

Miss Stover is a daughter of Mrs. Homer Edmondson, a boarding house keeper, and she is now employed as salesgirl at a local store. She worked at the pencil factory for about a year, she says.

The solicitor has another unpublished affidavit in his office, which is of doubtful value in the case.

HEARD SCREAMS.

A woman pedestrian, whose name Mr. Dorsey has not made public, testifies that she passed the pencil factory about 4:30 o'clock on Saturday, April 26. Then she was attracted, it is said, by several shrill screams, which came apparently from the basement of the building. There were three screams in rapid succession, and then they suddenly stopped as if the crier had been choked.

This witness has been known to the police since Monday following the tragedy, for then she reported the occurrence to the officials. This is in conflict with the theory of the detectives that the girl met her death shortly afternoon Saturday.

COUNTY TO PAY BILL.

According to Shelby Smith, chairman of the Fulton county board of commissioners, that body and not Solicitor Dorsey, is going to pay the bill for the independent investigation of the Phagan murder mystery, which is being conducted by the solicitor general.

Mr. Smith states that more than a week ago the members of the commission agreed to stand the expense of an investigation "in order that Mr. Dorsey might not be hampered in getting to the truth of the matter."

The commissioners, so Mr. Smith says, have nothing more to do with the case. They simply told Mr. Dorsey to go ahead, and don't even know who he has employed, according to the chairman.

Mr. Smith will not discuss a pecuniary limit to the cost of the probe, but says that the board expects Mr. Dorsey to be "conservative."

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