NEW DEVELOPMENTS IN CASE OF FRANK COME WITH A RUSH AFTER RESENTENCE The Atlanta; Mar 8, 1914; ProQuest Historical Newspapers Atlanta Constitution (1868 - 1945)

NEW DEVELOPMENTS IN CASE OF FRANK COME WITH A RUSH AFTER RESENTENCE

Repudiation of Testimony

Given on Stand by George Epps Attacked in Two Affidavits Furnished Solicitor by Father and Uncle of Boy - Assert Youth Says His Statement True and He Was Trapped Into Repudiation While in Birmingham.

MURDER NOTES WRITTEN IN BASEMENT ACCORDING TO EVIDENCE FOR FRANK

Paper on Which the Notes Were Written Shows That Frank Did Not Dictate Them in His Office as Conley's Story Stated. Says Defense - Prisoner Gives Out Statement From Cell in Which He Again Asserts His Innocence. Outlook Comments Case.

Developments came thick and fact the Frank case Saturday afternoon in and night.

and night.

First was the disciosure of two actidavits put in the hands of Solicitor Hugh Dorsey by George Epps, father of the ex-newshoy witness for the prosecution, and by the boy's uncle. When the youth confesses to having been trapped into making the sensational affidavit in which he recently remounced his testimony.

Next was the release of newly discovered evidence by the defense to show that the murder notes found beside Mary Phagan's body were written in the basement of the namel factory, and not on the second floor, as contended by the prosecution.

This new phase of evidence was developed from a casual examination of a photograph of the murder missive by Lemmie Quinn, a foreman in the

This new phase of evidence was developed from a casual examination of a photograph of the murder missives by Lemmie Quinn, a foreman in the pendil plant and witness for the defense, who claims to have discovered a heretofore unrevealed clew to the source of the famous notes, which for the most mysterious link to the entirity agedy.

NOT DISMAYED

BY DEATH SHADOW

BY DEATH SHADOW.

BY DEATH SHADOW.

Then, too, comes a statement written by the man in the Tower, in which Frank dramatically sets his case before the people of Georgia in a lengthy document, and hu which he deckres the shadow of death does not dismay him in the least. In the sight of God, he states, his innocence shall be proclaimed to the universe.

"In His name and by the honor which I hope shall be restored to me," he writes, "and by everything which a man may hold sacred, I swear that I am innocent of crime."

Persons who have followed the Frank case were decidedly interested Saturday in an editorial comment on the noted trial by The Outlook, which deals, extensively with the crowds that flocked to the arraignment, and with the demonstrations which were stressed so repeatedly in the various moves by the defense to gain a new trial.

"The intensity of the hostility to the

pressure.
"While I knew the boy had made the "While I knew the boy had made the trip to Alabama, learning it after his return, the first I knew of any affidavit he made over there was last Thursday night when my brother called me up from Eatonton, he having gone to Milledgeville and found out that day that an affidavit had been exacted from the boy in Alabama. The boy must evidently have been sworn to secrecy or he would have told me about it before.

"Friday morning at 2 o'clock I had an interview at the Hilburn botel with Mr. Lovvorn, the superintendent of the Milledgeville reformatory, about my son. He had come to Atlanta and called me up, and I went to see him at once. He told me that the boy had admitted to him that his statement about Elack and Solicitor Dorsey in the affidavit was false.

"Mr. Lovvorn said that he had objected as superintendent of the reformatory to the men interviewing the boy and they pulled out a paper and said: Here, we've got an affidavit already signed by him in Birmingham. Alabama. Mr. Lovvorn asked them why they wanted it signed again, if it was already signed, and they said: "We got it signed in Georgia."

"After showing Lovvorn the type-

and now we want it signed in Georgia.

"After showing Lovvorn the type-written affidavit already signed by George in Alabama, he had nothing to do but let them see the boy, Lovvorn sald the Lovvorn sald that they read the affidavit so fast that he, himself, couldn't understand it, let alone the boy, and that he had to call them down once or twice to read it slower. (Signed) "GEORGE W. EPPS."

"Sworn to and subscribed before me this March 7, 1914.

"JOHN CORRIGAN,"

"Notes Written in Basement."

Attorneys for the defense of Leo M. Frank on Saturday night released newly discovered evidence, which they will present in their motion extraordinary for a new trial to show that the "murder notes" which Conley swore were written in Frank's office on the second floor, but in the basement, where the body of Mary Phagan, beside which the notes were found, was discovered. This evidence is in the form of an invoice from the Cotton States Belting and Supply company, bearing the number of the "murder notes" was written, and purporting to show that the order blank was used between September 10 and 15, 1998, and was carried to the basement in a pile of trash in December, 1912, some five months before the murder.

An attempt to find the original order of which the presumer tog to the order of which the presumer tog find the original order of which the presumer was for the

oer, 1912, some five months before the murder.

An attempt to find the original order, of which the paper used for the note was a parily obliterated, carbon copy, failed. This order should have been found, it is said, among the business papers on file in the offices of the Cotton States Belting and Supply company, but was probably lost when the supply concern moved from its quarters on South Broad street to its new quarters on Whitehall street, or were lost in the fire which recently destroyed the Whitehall offices of that concern.

stroyed the whitehall others of that concern.

The note in question is the one which Conley declared on the stand was written last, and although the paper is yellow, he insisted it was "green."

The sheet bears the order number "1018," and in the center of the page

THE CASE OF THE PARTY OF THE PA

insinuations frept into my very trial, in the courtroom, creeping in insidiously, like a thief in the night.

The virus of these damming insinuations entered the minds of the twelvemen and stole, away their judicial frame of mind and their moral courage. The issue at bar was lost. The poison of the unspeakable things took its place.

of the unspearance complace.
Your honor, in this presence, and before God, I earnestly ask that God in His mercy may deal lightly with those who, unwittingly I trust, have orred against me, and will deal with them according to His divine judgment!

If the state and the law wills that

Continued on Page Three.

NEW DEVELOPEMENTS IN CASE OF FRANK

Continued from Page Two.

my life be taken as a blood atonement for the poor little child who was ruth-lessly killed by another, then it remains for me only to die with whatever fortitude my manhood may allow.

But I am innocent of this crime. And the future will prove it.

I am now ready for your honor's sentence. APPEAL BY

PRISONER.

The prisoner's statement to the newspapers was written in Frank's cell shortly following the pronouncement of the death sentence. Frank did not seem to lose courage over the refixing of his death date. Instead, he seemed buoyant and hopeful throughout the afternoon. His statement is as follows:

buoyant and hopeful throughout the afternoon. His statement is as follows:

To the People of Atlanta:

I am condeuned. The shadow of physical death does not dismay me. If such be my end, I shall go to it without fear and without qualm. I am a man born to face and endure that which the chance of Fate may bring, if my attitude, which I know, and which God knows comes from the consciousness of innocence, is thought by the unfair and by the unthinking to be hardlhood and brag, I cannot help it.

To those who would give a man a square deal, and to those who in their hearts with sympathy repeat, not "judge not, that yo be not judged," but the simple, old, always true and immortal golden rule, "Do unto others as you would have others do unto you"—I say, that moral death is my terror. I have lived in the open. I have told the truth. I have taken my chances. I have made some success, I brought order out of some chaes. I had a good name. I persuaded a good woman to share my fate. I met daily those with whom I and social relations, and without reproach. My schoolmates and college fellows say that I was docent, my business associates that I was honest.

Was all this fabric reaved on sand?

Was I smarter than everybody else to deceive all of them all of the time?

No, I was not.

"Swear That I Am Innocent."

In the sight of God and in his name, by the honor which I hope will be restored to me, by everything which a man may hold sacred, I swear that I am innocent of crime.

Am I asking commutation of sentence? I am not. Am I asking pardon for something that I did not do? I am not. Am I asking favorable interpretation of uncontroverted evidence? I am not.

I am asking at your hands that of which, in time, every person may stand in need—that which is square, is right, is necessary—that without which the dark ages would return and witchcraft again become a religion—a fair, square trial—with naught extennated and with naught set down in malice, and to that I have a right.

Am I to be sacrificed to a political necessity? Am I to be a victim simply because some previously accused of crime have gone unpunished, and, therefore, somebody must be convicted of something?

Why Not a New Trial.

necessity? Am I to be a victim simply because some previously accused of crime have gone unpunished, and therefore, somebody must be convicted of something?

Why Not a New Trial.

Is it not true that if I were guilty before and was properly proven so, that it is easily possible by the same processes and by the same witnesses, to prove it again? Is it not true that if I am not allowed to disclose to the world the dasturdly compiracy which has enmeshed me and an therefore hung—then when truth outs, as truth has always done, every man, be he high or low, will stand in danger of that law which visits the sins of the father upon the children.

People, can you afford to take this responsibility—you who can render a reason for what you do? Are you not giving yourselves a chance when you give me a chance?

The Formby woman has repudiated her affidavit—that document which damned me irretrievably in the eyes of the public. This denial exists. This denial is true in spite of excuses and quibbling. Why was that first terrible affidavit used on the public, but not used on the trial? Why was it permitted to be circulated to, affect public opinion and to do its dirty work, without compelling those responsible for obtaining it to come out in the open and vouch for it? I know and you know it was because it was feared that it would then and there be repudiated as it has now been: Is any other reason possible in the light of the right to pass on the know it.

Why is Conley kept concealed from every person desirous of learning the truth? Why now when he has had a sentence to punish that which he admits, is a new trial appealed for? Simply to keep him out of sight of anyone but those who trained him until after I am dead. That is why, and you who read this know it.

I believe that I am entitled to a new trial, a fair trial. Let those who have the right to pass on it know that I will get it. I am not pleading for my life. I am asking for a fair, square deal, with naught extenuated and naught set down in malice.

EDITORIAL.

The Outlook's editorial appears in the issue of March 7. It follows in full:

"A case involving defects in criminal procedure which are almost opposite in character to those shown by the Becker case has recently been decided in the control of the co