

24

about half past ten. It sounded like a boy's voice. It said, "Tell Mr. Schiff Mr. Frank wanted him at the office. Mr. Schiff was asleep at the time. I waked him up and he said, 'tell Mr. Frank I will be there as soon as I can get dressed.'" And I repeated the message to the boy and told him what Mr. Schiff said. Then Mr. Schiff went back to sleep again. The same voice called up Mr. Schiff again about eleven o'clock. Said he wanted Mr. Schiff to come down to the office. Mr. Schiff told me to tell him he would be there as soon as he could get dressed and I told him what Mr. Schiff said.

CROSS EXAMINATION.

I have been in Mr. Schiff's house about seven years. On Saturdays and holidays Mr. Schiff generally sleeps. Sometimes he goes to the factory when I wake him up. He never gets up unless I wake him. Mr. Schiff told me sometime afterwards he was glad I did not wake him up that day. I know it was eleven o'clock when he called up the second time, because the clock was striking. They didn't say what Mr. Frank wanted him for.

ANNIE HIXON (C) Sworn for the defendant.

I am Mrs. Ursenbach's servant. Mr. Frank called up on the telephone about half past one on April 26th. I told him he was not in and he said "Tell Mr. Charlie I can't go to the ball game this afternoon." I told Mrs. Ursenbach about it.

CROSS EXAMINATION.

I have been working for Mrs. Ursenbach ~~three~~<sup>two</sup> years. Mr. Frank and his wife came over to Mrs. Ursenbach's on Sunday after we had breakfast about nine o'clock. They come over there every Sunday. I didn't pay any attention to what they talked about that morning. They were just laughing and talking like they always do. Yes, he laughed. They were all laughing together.

25

He wasn't nervous or excited so far as I could see. Nothing unusual about him. Don't know what they were laughing about.

J. C. MATTHEWS, Sworn for the defendant.

I was at Montag Brothers on April 26th. I saw Mr. Frank in the office of Montag Bros. in the morning of that day. I couldn't give you the exact time. I work at Montag Bros.

ALONZO MANN, Sworn for the defendant.

I am office boy at the National Pencil Company. I began working there April 1st, 1913. I sit sometimes in the outer office and stand around in the outer hall. I left the factory at half past eleven on April 26th. When I left there Miss Hall, the stenographer from Montags, was in the office with Mr. Frank. Mr. Frank told me to phone to Mr. Schiff and tell him to come down. I telephoned him, but the girl answered the phone and said he hadn't got up yet. I telephoned once. I worked there two Saturday afternoons of the weeks previous to the murder and stayed there until half past three or four. Frank was always working during that time. I never saw him bring any women into the factory and drink with them. I have never seen Dalton there. On April 26th, I saw Holloway, Irby, McCrary and Darley at the factory. I didn't see Quinn. I don't remember seeing Corinithia Hall, Mrs. Freeman, Mrs. White, Graham, Tillander, or Wade Campbell. I left there 11.30.

CROSS EXAMINATION. When Mr. Frank came that morning, he went right *and was at work there and stayed there* on into the office. He went out once. Don't know how long he stayed out.

M. O. NIX. Sworn for the defendant.

I am credit man for Montag Bros. and bookkeeper. I have charge of the bookkeeping and documents and papers of the National Pencil Company. I am familiar with Mr. Frank's handwriting. These financial sheets beginning with May 22nd, 1913 and ending May 24, 1913, (defendant's exhibit 9) are in Mr. Frank's handwriting. The eleven items beginning with order #7187 running through #7197, appearing on pages 56 and 57 of the house order book (Defendant's exhibit 13) are in Mr. Frank's handwriting. These entries below that are in Miss Hattie Hall's handwriting. I employed Miss Hattie Hall as my stenographer. Mr. Montag and Mr. Frank had nothing to do with it. I raised her wages on first of August, because I promised her that when she first came here. These eleven requisition sheets (defendant's exhibit 35 to 35 inclusive) are in Mr. Frank's handwriting. I saw Mr. Frank on the morning of April 26, at Montags. He asked me to allow Miss Hattie Hall, my stenographer, to go over to the factory to assist him as his stenographer was away and he was piled up with work. And I told him

I didn't think she should go until she finished Mr. Montag's mail. He said something then about her coming over in the afternoon, and I said I didn't think she ought to work over there as it wasn't her work, and I told her not to do it, but I told her if she got through with Mr. Montag's mail, she could go over there that morning and help him, if she could assist him in anyway.

CROSS EXAMINATION. I have never seen Frank write any of the documents which I say are in his handwriting. I have seen him write. I don't know their system of doing work down at the factory. This order could not have been received on April 23rd (Defendant's exhibit 27) The signature of H.T. Schiff on the requisition sheets (defendant's exhibits 25 to 35 inc.) means that he checked it when the order was filled. I have been with Montag Bros. seven or eight years. I don't know whose handwriting that is. (state's exhibit K). It looks like Mr. Frank's, but it is not clear to me. It is entirely different from his usual handwriting. It is different from those I have identified positively as Mr. Frank's, but it is figures on those, and here it is in the form of a letter. There is no comparison. With a few Capital letters you can't get an idea of of a mans handwriting. I am not positive that that is Mr. Frank's handwriting. It might be. You take this sheet here (requisition sheet) and you can't get an idea od a man's handwriting from this, because everything is figures in here. His writing might be entirely different if he sat down to write a letter.

RE-DIRECT EXAMINATION. I have never seen a letter written by Mr. Frank. The only writing of his that I am familiar with are figures and things like that, pay-rolls, writings in requisitions and words that consist largely of abbreviations.

HARRY GOTTHEIMER, Sworn for the defendant.

I am a traveling salesman I make two trips a year for the National Pencil Company, from the first of February to the first of April, and from the first of September to the fifteenth of October. I was at Montag Bros. around ten o'clock on April 26th. I had come in from my trip on the road and was writing up my orders. I had been a way ten days. Mr. Frank came in after I got there. I asked him about



two important orders as to their shipments and he replied that he could'nt tell whether they had been shipped or not, but that if I would return to the factory with him he would give me the duplicate invoices and let me see for myself. I replied that I would not have time to go back, as I had lots of orders. He says: "If you can't come now, come this afternoon." And then he walked in to Mr. Montag's office, and as he went into the office he said "Come up now, or come up after dinner."

CROSS EXIMINATION. I saw Frank in his office one Saturday afternoon in the early part of April about three o'clock. His wife was there doing some stenographic work for him. Mr. Frank said Saturday morning April 26th, that if I couldn't come to the factory in the morning that I should come in the afternoon. I am sure of that conversation. Miss Hall heard part of it. I had been in his office on previous Saturday afternoons. I never found any of the doors locked. He was always working.

MRS. RAE FRANK, Sworn for the defendant.

I am the mother of Leo Frank. I live in Brooklyn. I lived in Texas three years, where Leo was born. Mr. Moses Frank of Atlanta is my husband's brother. I saw him Hotel McAlpin in New York City on April 27 and April 28th. The letter that you hand me (defendant's exhibit 43) I saw on Monday, April 28th. It is my Son's handwriting. This sheet (defendants exhibit 43) is a sort of financial sheet. I had lunch with Mr. Moses Frank at Hotel McAlpin on Monday, April 28th. His wife read this letter to him in my presence and it was handed to me afterwards. I also saw that sheet (defendant's exhibit 43) but I did not understand it. The handwriting on that envelope (exhibit for defendant 44) is that of my son. The word "Yondiff" in the letter is Hebrew meaning "Holiday".

CROSS EXIMINATION. The letter was folded exactly as it is now to the best of my recollection, just in that shape. Mr. Frank has no rich relatives in Brooklyn. That is my son's handwriting (states exhibit K) It is a photographic copy. There was another paper included in the envelope which that letter came in, some price list, but I didn't

look at it. It had numbers of pencils and prices on it. That letter was read in Hotel McAlpin, in Mr. Mose Frank's room. As to what relatives Mr. Frank has in Brooklyn, my brother-in-law Mr. Bennett is a clerk at \$18 a week. My son-in-law Mr. Sterne is in the retail cigar business. As to what my means of support are, we have about \$20,000, out at interest, my husband and I, at six per cent. We own the house we live in. We have a \$6,000 mortgage on it. The house is worth about \$10,000. My husband is doing nothing. He is not in good health. Up to a year ago he was a traveling salesman. These are the only relatives my son has in Brooklyn. Mr. Moses Frank, my brother-in-law, generally spends ~~up~~ a Sunday with us in Brooklyn, before he sails for Europe. He spends Sunday with us in Brooklyn and has dinner with us. He was not in Brooklyn on April 26th. He is supposed to be very wealthy. I don't know how much cash my husband has in bank. A few hundred dollars possibly. My husband is 67 years old. He is broken down from hard work and in very poor health. He was too unwell to come down here.

OSCAR PAPPENHEIMER, Sworn for the defendant.

I am in the furniture business. I am also a stockholder of the National Pencil Company. I have been getting comparative sheets as to the weekly business of the Company from Frank since March, 1910. Up to the time the Post Office distributed mail on Sunday, I used to always go to the Post Office to get my mail and always found this report on Sunday morning. When I quit going to the Post Office on Sunday's I received the reports in the first mail on Monday mornings. I have here the report for the week ending April 24, 1913 (defendant's exhibit 45) I got that on Monday morning, April 28th. I also have here all the comparative sheets received by me every week beginning January 18, 1913, up to April 24, 1913 (Defendant's exhibit 46).

C. F. URSANBACH, Sworn for the defendant,

I married a sister of Mrs. Leo Frank. I phoned him on Friday and asked him if he would go to the base ball game Saturday. He said he didn't know, he might go and would phone me later and let me know. On Saturday when I got home about twenty minutes to two my cook told me that Mr. Frank had phoned and told me that he wasn't going to the game. I saw him on Sunday, after the murder, at my house. I saw no scratches marks or bruises on him. He seemed to be a little disturbed in mind. I saw him again that afternoon. He told us about the tragedy. That evening we meet him and his wife coming down Washington St. opposite the Hebrew Orphans Home. He gave me my rain coat right there, which he had borrowed previously.

CROSS EXAMINATION. He and his wife and my wife and myself generally play cards Saturday evening. We were very much interested in bridge and played to-gether often. Mr. and Mrs. Selig's family usually played poker Saturday night. Mr. Frank and his wife never played poker. I am positive I rang Mr. Frank up and asked him to go to the ball game. Mr. Frank called it off about one thirty on Saturday when I got home and got the message from my cook it was twenty to two. Mr. Frank borrowed my rain coat at 4.30 on Sunday when it was raining, and I met him about 6 o'clock on Washington Street, and he returned it. He never had that rain coat until Sunday afternoon. I am positive that he did not have it on Saturday.

Mrs. C. F. URSANBACH, Sworn for the defendant.

I am Mrs. Leo Frank's sister. I received a telephone message for Mr. Ursanbach from Mr. Frank through my cook on Saturday at half past one. I saw no scratches, bruises, or marks on Mr. Frank on Sunday. He was nervous as one would have been under the circumstances. He borrowed a rain coat from my husband that afternoon. The rain coat was at our house on Saturday. It was there when my husband asked him if he would wear it on Sunday. Mr. Frank did not have it on Saturday.

CROSS EXAMINATION. On Sunday, Mr. Frank when he was at the house told us he had been called downtown and that this little girl was murdered, and he told what a horrible crime it was. He did not say who committed it. He said nothing about employing a lawyer. He said nothing about how he slept the night before. I think he told about being at the undertakers, in the afternoon. I did not hear him say anything about his visit to the undertakers in the morning. He said he had been taken down to the factory in the morning by the detectives. He said he had thought he heard the telephone ringing in his sleep, the night before. He said when he saw the corpse it was a gruesome sight. He said nothing about why he did not stay in the room and look at the corpse longer or more carefully. He said nothing about suspecting Newt Lee as being the guilty party. He said he was sorry he let Gantt in the factory Saturday afternoon, because he mistrusted him, because he had not been honest. He did not say he thought Newt Lee or Gantt had committed the crime. He said nothing about the clock having been improperly punched. I was not in the room the entire time. I had guests and I was out a good deal of the time. I don't know if he knew the name of Mary Phagan then or not. I think he said she was choked, He didn't say anything about a cord around her neck, but said she had a piece of her petticoat around her neck. He mentioned he had paid her off the Saturday before. I don't know that he mentioned the name of the girl at all at that time. He said he had discharged Gantt because he was not honest. I think he said Newt Lee was a good fellow as much as he knew about him. On Monday night over at Selig's Mr. Frank was there and we had conversation on the subject. He spoke of having a detective at the house in the morning, that the detectives thought that he had done it and how strange it was that they should say so. He didn't say that he suspected anybody. He seemed to be calm as usual that night. He never mentioned suspecting anybody of the crime. On Monday night, he said he had been suspected in the morning by the detectives. That night he sat on the couch and patted his foot. That was the only indication of nervousness I saw. Mr. Frank did not have Mr. Hassenback's raincoat on Saturday. It was in our house all day Saturday and until Mr. Hassenback came.



MRS. A. E. MARCUS, Sworn for the defendant.

I am a sister of Mrs. Leo Frank. I played cards Saturday night at Mrs. Seligs. Mr. Frank was there sitting out in the hall reading, and Mrs. Frank was going in and out of the room. Mr. Frank went to bed after ten o'clock. I noticed nothing unusual about him, no bruises, marks or signs.

CROSS EXAMINATION. He came in one time and told us something funny about a baseball joke. We were still playing when he went to bed.

MRS. M. MARCUS, Sworn for the defendant.

I am no relation of Mr. or Mrs. Frank. I saw Mr. Frank at half past eight or a quarter to nine in the evening on April 26th, at Mrs. Selig's residence. We played cards there. Mr. Frank opened the door for us. He stayed in the hall reading. We played cards in the dining room. He went to bed between ten and half after ten. He appeared as natural as usual. I left the house about twelve o'clock.

CROSS EXAMINATION. We had a game of cards every Saturday afternoon at somebody else's house.

M. J. GOLDBSTEIN, Sworn for the defendant.

I played cards Saturday night, April 26th, at Mrs. Selig's house, I got there about 8:15. We played in the dining room. Mr. Frank was sitting in the hall. There was nothing unusual about him, no nervousness or anxiety. There was nothing that attracted our attention. I have never known Mr. or Mrs. Frank to play poker. I should say he went to bed about 10:30. His wife followed about 15 minutes afterwards. I never noticed any marks or bruises about his person.

CROSS EXAMINATION. He came in while we were playing to tell us of some joke he had read, and we asked him to desist as it was distracting us from the game. Frank was reading a magazine which caused him considerable merriment and laughter.

I. STRAUSS Sworn for the defendant.

I was at the home of Mrs. Selig, Saturday night, playing cards. I got there about 10:30. Mr. Frank let me in. While we played he was sitting in the hall reading. I could see him through the door.

There was nothing unusual about him. He went to bed immediately



after I got there. His wife went to bed soon afterwards.

MRS. EMIL SELIG, Recalled for the defendant.

(Witness denies categorically that any of the contents of Minola McKnight's affidavit(State's exhibit J)are true.) I have never raised Minola's wages one penny since she has been with me.

CROSS EXAMINATION. I didn't see Albert McKnight at my house on Saturday. He has been to the house two or three times. I was in bed when Mr. and Mrs. Frank went down stairs Sunday morning in response to the ringing of the telephone. Mr. Frank got home about eleven o'clock Sunday morning and then ate his breakfast. He and his wife went out together. Minola was paid \$3.50 a week. I advanced her a week's wages. I don't know what week that was. I didn't pay her anything the next week. The first week I gave her \$5.00 and told her to give me the change. She brought \$1.00 the next morning, and told me she kept .50¢ which I deducted the next week. I think Mrs. Frank gave her a hat. I don't know when that was. Mrs. Frank has never given her any money to my knowledge.

SIGMUND MONTAG, Sworn for the defendant.

I am engaged in manufacturing stationary. I am treasurer of the National Pencil Company. The company receives its mail at my office, which is two blocks from the pencil factory. Frank comes to my office every day of the year to get the mail and instructions with regard to orders and the business of the factory. He came to my office on April 26, about ten o'clock and stayed about an hour. He talked to me, my stenographer, Miss Hattie Hall, and Mr. Gottheimer, one of the salesman. Up to about a year ago I went to the factory almost every Saturday afternoon. Mr Frank would always be working at his desk on the financial sheet. The telephone in my house is about 20 feet from my bed. I did not hear it ring Sunday morning. My wife was aroused by its ringing and she waked me. The man at the other end asked me if I could identify a girl that was killed in the basement of the pencil factory. I referred him to Mr. Darley who was most familiar with the help in the factory. After breakfast Mr. Frank came to my house. It was a raw, chilly morning. He was no more ner-

vous than we were about the murder when we saw him that morning. I was very much agitated and trembled. My wife commenced to cry and was very nervous. I saw no marks, scratches or discolorations of any sort on his face, and there were no spots on his clothing. I went to the factory that morning and made a general examination, including the metal room. We saw nothing on the floor. Frank was very much agitated and nervous when he told us about the occurrence. We have a great many accidents in the metal room. They would be brought to the front of the building into the office. I heard that about nine o'clock Monday morning Mr. Frank had been taken to police headquarters. I knew that he had a very limited acquaintance there and I therefore telephoned for Mr. Herbert Haas, my personal counsel and counsel for the pencil company to go down there. Mr. Haas answered that he didn't like to leave home that morning, that his wife was expecting a new arrival, so I sent my automobile after him. Mr. Haas came back and said he was refused admittance to Mr. Frank at the station house, and said he was going to telephone Mr. Rosser. He then telephoned for Mr. Rosser. That was between half past ten and eleven. Mr. Rosser came down to the station house thirty or forty minutes later. I saw Mr. Rosser go upstairs. About forty minutes later Mr. Black and Mr. Haas left police headquarters with Mr. Frank. I always received the financial sheet on Monday morning. Mr. Frank would bring them over in envelopes. I saw the financial sheet of April 24 (Defendant's Exhibit 2) on Monday afternoon about three o'clock. That was after Mr. Schiff called me over the telephone and asked me if I would sanction the employment of the Pinkertons to ferret out this crime, and I told Mr. Schiff to go ahead. I told him and Mr. Darley to help the authorities all in their power to find out the murderer, whoever he might be.

CROSS EXAMINATION. Mr. Frank was well acquainted with our attorney, Mr. Haas. He was president of the B'nai B'rith. The B'nai B'rith has between four or five hundred members, I should say. When I say that Mr. Frank had a limited acquaintance, I meant that the people around police headquarters did not know Mr. Frank. Mr. Frank did not ask for an attorney. Mr. Schiff told me that Mr. Frank had spoken to him about employing the Pinkertons. Mr. Frank was very nervous,

when he was at my house Sunday morning. He had already been to the undertakers. He told me they had taken him into a dark room and ~~fix~~ flashed on a light, and he said he saw the little girl there. He described how she looked. He said her face was scratched and her eye was discolored, and she seemed to have ~~agah~~ in her head. Her mouth was full of sawdust and he described her in a general way. He did not call my attention to his being nervous. He did not say anything to me about an attorney or about having been to police headquarters. I don't know whether he had been to police headquarters or not. I authorized the employment of the Pinkertons on Monday. I had not then employed counsel. My sending Mr. Herbert Haas to see Mr. Frank was not employing counsel. I made no trade with Mr. Haas. Don't know who is paying his fee. I have not contributed anything towards it, nor has the Pencil Company. The Pencil Company is employing the Pinkertons. As to whether they have been paid yet or not, they haven't requested their pay. They have sent bills two or three times. I received the reports from the Pinkertons. They came sometimes every day and then sometimes they didn't for a few days. I got the report about finding the big stick and the pay envelope. I did not request the Pinkertons to keep the finding of the stick and the envelope from the police and authorities. We have little accidents almost every two weeks in the factory. There was one big accident about a year ago, a machinist Gilbert, had his head bursted open in the metal department. That was about a year ago. The insurance company ordered us to clean up the factory about a week after Mary Phagan's death.

REDIRECT EXAMINATIONS Superintendent Pierce of the Pinkertons told me that his reports would be furnished to the police before they came to me.

TRUMAN McCORARY, c. Sworn for the defendant.

I am a drayman on the streets of Atlanta. I work for the National Pencil Company. I have hauled for them. I have drayed for them most every Saturday for the past three years. I would work on Saturday afternoons until half past three and sometimes as late as five.

I would be sometimes there so late the shipping clerk would be gone. I have never found the front door locked on a Saturday afternoon. I have never seen Jim Conley watching there Saturday afternoon. I have never seen him guarding the door. I have never seen him around the factory at all Saturday afternoon. I have never found the doors to Mr. Frank's inner or outer office locked. Both doors have glass windows in them. Anybody could see through them. I have sometimes found Mr. Schiff working there with Mr. Frank on Saturday afternoon. I did not see Jim Conley at the factory April 26th. I did not tell him to go down in the elevator shaft and ease his bowels. I went into Mr. Frank's office about twelve o'clock on April 26th. Mr. Frank was there.

CROSS EXAMINATION. I did not haul any for the pencil factory on April 26th. I took a sack of hay there. That was about 7.30. I didn't see Mr. Frank upstairs that time. I did not see Jim Conley at all that day. It may have been as late as 8.30 that I reached the factory that day. Mr. Frank was not there. I was paid sometime before 12 o'clock that day. The boxes are piled around in there pretty high around the elevator going down there. There are some pretty large ones, four or five feet high. They are piled around the stairway. I have never seen them use that door to the Clarke Woodenware space. I have used it once to haul out a lot of trash. No I have never seen Jim Conley sweeping up there Saturday afternoon. There was one Saturday afternoon that I didn't go up there. That was since Christmas. I think it was in April. I went up there every afternoon in January.

D. J. NIX. Sworn for the defendant.

I was office boy at the pencil factory from April 1912, to Oct-1912. I worked there every other Saturday until the first of September, and then every Saturday thereafter. I am 19 years old. Before Sept. 1, I worked on Saturdays until between four and six o'clock. On Saturdays after Sept. 1, I worked until between 5.30 and 6. I have never missed any days while I have been at the factory. On Saturday afternoons, Mr. Frank and Mr. Schiff would be there working.



I would stay in the outer office. I never left the factory on Saturday afternoon. I have never known Mr. Frank to have any women in his office drinking or doing anything else.

CROSS EXAMINATION. I never stayed there every Saturday afternoon in the Summer months. Every other Saturday afternoon then I got off at one o'clock. No I don't know anything about Mr. Schiff and Mr. Frank and others taking women down the alley on Forsyth St. and around the back door. He ~~was~~ did not have any women in the factory when I was there, and I worked every Saturday after the first of September until the first of October. In the Summer I worked every other Saturday afternoon.

FRANK PAYNE. Sworn for the defendant.

I was office boy last Thanksgiving day at the pencil factory. It was snowing that day. I am 16 years old. Mr. Schiff and Mr. Frank were working there in the office that day. Mr. Schiff sent me up on the fourth floor to straighten the boxes up. Jim Conley was there sweeping. He left the factory about 10.30. I left about 11. He had finished his work. I went by the office to get my coat. Mr. Schiff and Mr. Frank were still working. When I left I did not see Conley anywhere about the door. For two months I worked at the factory on Saturday afternoons until 3.30 or four. Mr. Schiff and Mr. Frank would always be working in the office. I have never known him to have any women in there, or see any drinking going on, I would go to dinner about 1 to 2 o'clock. Mr. Frank would go about 12.30 to one and get back about three. I would stay in the inner office all the time. Mr. Schiff sat right across from me in the inner office. I would go to Montag's and stay about ten or fifteen minutes.

CROSS EXAMINATION. I quit work at the factory seven or eight months ago to get a better job. Mr. Schiff was with Mr. Frank every Saturday afternoon I was there. I never went back at nights. I have never seen any beer bottles around there. I don't know whether Jim Conley came back after he left there at 10.30 on Thanksgiving Day. I saw him go down the stairs. I did not look for him as I went down. I did not notice him.



PHILLIP CHAMBERS, Sworn for the defendant.

I am 15 years old. I started working for them Dec. 12, 1912., as office boy, at the pencil factory. I left there March 29, 1913. I stayed in the outer office. On Saturdays I stayed until 4.30 and sometimes until 5 o'clock. I never left before 4.30 on Saturdays. I would go to dinner about 1.30 and get back at 2. Sometimes on Saturdays I would be sent to Montag for 15 minutes, to get the mail. I would sometimes go out to the Bell St. plant to send the payroll there. I would get back at 12 o'clock. I have never missed a single Saturday at the factory while I was working there. Mr. Frank never did have any women there. I never saw any drinking there. I have never seen Dalton come in there. I have seen Jim Conley Sweeping there Saturday afternoon. Snowball would be in there once in a while. I have never known the front door to be locked on Saturday afternoon. After a certain time all the sweepers, including Conley and Snowball, had to leave the factory at noon. Mr. Darley gave them orders they could not sweep in the afternoon. After that I never saw any of them around there Saturday afternoon. I have never seen anybody watching the door on any Saturday that I was there, or any other day. I have seen Mr. Frank's wife come to his office once. Mr Schiff would be helping him on some of the Saturdays that I would be there. I have never seen Mr. Frank familiar with any of the women in the factory. I have never seen him talk to Mary Phagan at all.

CROSS EXAMINATION. Mr. Frank and I were good friends, just like a boss ought to be to me. I don't know anything about Mr. Frank's telling Conley to come around and not let Mr. Darley see him.

GODFREY WEINKAUF, Sworn for the defendant.

I am superintendent of the Pencil Company's lead plant. Beginning with July, 1912, up until the first week in January 1913, I visited the office of the pencil factory every other Saturday, between three and five o'clock. I would stay there about two hours. I would find Mr. Holloway, Mr. Frank and Mr. Schiff there. I never saw any women in the office there.

CROSS EXAMINATION. I never saw Jim Conley there at the factory on Saturday afternoon. I am sure I saw Holloway there on Saturday afternoon

CHARLIE LEE, Sworn for the defendant.

I am a machinist at the pencil factory. I remember the accident to Duffy in the metal room. His finger was hurt on the eyelet machine, about Oct. 4, 1912. It bled freely and the blood spouted out. There was a lot of the blood on the floor. He went down the hall to the office, by the ladies dressing room. There was blood at that point. Gilbert also got hurt in the metal room last year. He was bandaged in the office also. In going from the metal room to the office, you go right by the steps.

CROSS EXAMINATION. I have been with the company two years and four months. Two weeks ago my wages were raised  $2\frac{1}{2}$ ¢ an hour. Mr. Darley raised them. I have not talked to anybody about what I was going to swear in this case. I did not see Gilbert get hurt up there. I saw him after he was dressed. Duffy was hurt in the metal room on the machine opposite Mary Phagan's machine. The Pencil Company took a written statement from me, signed by me, to keep the fellow from suing the company. I saw my signature this morning. I have never told you I signed that statement. The blood was streaming from his finger and dropped all over the floor. The whole floor was bloody. He came out down the hall to the office. He stopped about in front of the dressing room, about three steps from the water cooler and asked me which office to go in. The blood was streaming from his finger while he was standing there, about eight or ten seconds. It dropped just in one place, holding his hand like this. It wasn't cleaned up, they only sweep the floor once a week, that's all the cleaning it gets. I never noticed it after that time. I have never taken any notice whether you can see that blood there now. Duffy was out right near where those chips were taken up on the floor. It might have been the same place. It was right near there. I wouldn't say it was the same spot or not.

ARTHUR PRIDE (c), Sworn for the defendant.

I worked on the second floor of the factory. On Saturdays I work all over the factory, doing anything that is necessary. Beginning with July of last year I have not missed a single Saturday afternoon at the factory. I would not work until about 11 o'clock. I never saw any women come up there and see Mr. Frank, or any drinking going on there, or seen Jim Conley sitting and watching the door.

The employees used the back ~~stairs~~ stairs leading from the metal room to the third floor. You can hear the elevator running if the machinery is not running. It makes a roaring noise and you can hear it on any floor. The motor makes a noise, and you can see the wheels moving on the fourth floor. I know Jim Conley's general character for truth and veracity, it is bad. I would not believe him on oath. I wouldn't believe him on oath, because him and his whole family lied to me.

CROSS EXAMINATION. I never associated with jim. No. I aint a high class nigger, but I am a differnet grade from him. He had three or four watches and I bought one and I made him show me a receipt marked paid in full, and he sold me the watch and after that they come and got him to put him in jail about it, and then his whole family came and said if I would give the watch back, that they would pay the debt, and I gave the watch back and after they had released him, the family just said they done that to get the watch and they were done with it, and there wasn't any way for me to get it, but he swore to me it was paid for in full. I haven't heard anything else said against him. I never paid any special attention to the elevator during business hour, but you could hear it all the time when the factory wasn't running. It didn't shake the building. You could hear the elevator when the wind blows. You could hear the elevator if the machinery wasn't running even if they are hammering/

REDIRECT EXAMINATION. I haven't missed a single day in five years, that I have been working with the factory. Yes, I say that JIM Conley forged a receipt on me for a watch. I let him have \$4.50 on it, and I never got my money back.

DAISY HOPKINS, Sworn for the defendant.

I am a married woman. I worked in the factory from Oct. 1911 to June 1st, 1912. I worked in the packing department on the second floor. Mr. Frank never spoke to me when he would pass. I never did speak to him. I've never been in his office drinking beer, Coco-cola, or anything else. I know Dalton when I see him. I never visted the factory with him, I never have been with him until I went to his

to see Mrs. Taylor, who lived with him then. That was the only place I have ever seen him. I never have been to the factory on Saturday or any other day. I never introduced him to Mr. Frank. There isn't a word of truth in that. I have never gone down in the basement with this fellow, Dalton. I don't even know where the basement is at all. I have never been anywhere in the factory, except at my work.

CROSS EXAMINATION. I have never been in jail. Mr. W. M. Smith got me out of jail. Somebody told a tale on me, that's why I was put in jail. I don't know what they charged me with, they accused me of fornication.

REDIRECT EXAMINATION. I never was tried. I never had to pay anything except my lawyer's fee, which I paid to Mr. Wm. Smith. I never was taken to court.

MISS LAURA ATKINSON. Sworn for the defendant.

I have been in Mr. Dalton's company three times. I never met at the Busy Bee Cafe. I have never walked with him to or from the pencil company. I have never walked home with him.

CROSS EXAMINATION. I worked at the National Pencil Factory two days last month. I have known Mr. Dalton six months. I have been in his company three times. I did not know Daisy Hopkins.

MRS. MINNIE SMITH, Sworn for the defendant.

I work at the pencil factory. I do not know G. B. Dalton. I live at 148 S. Forsyth St. I have never met Dalton or walked home with him. I don't know the man. I know Mr. Frank. I have spoken to him six times in the four years and a half that I worked there.

CROSS EXAMINATION WAIVED.

V. S. Cooper, W. T. Mitchell, O. A. Nix, Samuel Craig, M. L. Patterson, Robert Craig, Ed Craig, T. L. Ambrose, J. P. Birdm and J. H. Patrick and I. M. Hamilton, All sworn for the defendant. Testified that they lived in Gwinnett or Walton County; that they used to know G. B. Dalton before he left Monroe in Walton County; that his general character for truth and veracity is bad, and that they would not believe him on oath.

R. L. Bauer, Sworn for the defendant/

During the Summer of 1909 and 1910, I worked at the National

Pencil Company on Saturdays. Since that time I have worked off and on at the factory on Saturdays doing extra work. I have also been up to the office Saturday afternoons, frequently during the past twelve months. I was there while Mr. Schiff was off on his trip. I was up at the office on the Saturday afternoon before Mr. Schiff went away. Mr. Holloway, Mr. Schiff, Mr. Frank and the office boy were there. I have never seen any women in Mr. Frank's office on the Saturdays I have been there.

CROSS EXAMINATION. I have always found Mr. Schiff there on Saturday afternoons with the exception of the time when he was off on his trip during January and February. The only specific Saturday afternoons that I remember being at the factory, was the Saturdays during the month of January 1913 when Mr. Schiff was off on the road. Got to the factory at three o'clock on the first Saturday in January. I went through the front door of the factory. It was unlocked and the door was open. Mr. Holloway was on the second floor in his usual place. Mr. Frank was in his office sitting at his desk. I didn't see any stenographer. I stayed there until nearly four o'clock. I have been to the factory on an average of two Saturdays every month. On the second Saturday in January, I got to the factory at three o'clock. Mr. Frank, Mr. Holloway and the office boy were there. The front door was open. The inside door was open. Mr. Frank was at his desk, in the inside office. I stayed there about a half or three quarters of an hour about half past three or a quarter to four. I talked to Mr. Frank about ten minutes, and the rest of the time I just noticed things around the office. I saw Mr. Frank at the factory the third Saturday in January I was there. I don't know who else was there. I went to inquire about Mr. Schiff who was in the Ohio flood. Mr. Frank was in his office. I remember seeing Mr. Frank in his office on the fourth Saturday in January I called there. He was working in his office. I don't remember seeing anybody else there.

GORDON BAILEY, Sworn for the defendant.

I work at the factory. I am sometimes called "Snowball" I never saw Jim Conley talk to Mr. Frank the Friday before the murder. I have



never, at any time, heard Mr. Frank ask Conley to come back on any Saturday. I have never seen Mr. Frank bring in any women into the factory. I have never seen Jim Conley guarding or watching the door. I have ~~never~~ seen Jim take newspapers and look at it, but I don't know if he read them or not. I have seen him have papers at the station house like he was reading them.

CROSS EXAMINATION I was arrested Monday, April 28th, about half past nine. I saw Mr. Frank before I was arrested. He was on the second floor.

HENRY SMITH, Sworn for the defendant.

I work at the pencil factory in the metal department. I work with Barrett. He has talked to me about the reward offered in this case. He said it was \$4300, and he thought if anybody was to get it, he was to get it, because he found the blood and hair, and he said he ought to get the first look at it. He said it six or seven different times.

CROSS EXAMINATION. He would come out of the room <sup>counting</sup> ~~containing~~ it off on his hands. He did that two or three times and sort of laughed, counting that imaginary money.

MILTON KLEIN, Sworn for the defendant.

I saw Mr. Frank last Thanksgiving ~~Evening~~ at a dance given by the B'nai B'rith at the Hebrew Orphan's Home. I also saw him that same afternoon between half past four and six o'clock. The dance lasted from eight to half past eleven. Mr. Frank helped Mr. Copeland and myself give the dance. We were the Committee in charge.

CROSS EXAMINATION. I was down at the jail to see Mr. Frank when the detectives brought Conley down there. I sent word down that Mr. Frank didn't care to see Conley, that he didn't care to see anyone at that time. He knew that Conley was there. I was the Spokesman for Mr. Frank. He would't see any of the detectives either. Mr. Frank said that he would see Conley only with the consent of his attorney, Mr. Rosser. He said for them to send and get Mr. Rosser. Frank's manner was perfectly natural. He considered Conley in the same light that he considered any of the city detectives. He said he would not see any of the city detectives, or Mr. Scott without the consent of Mr.

Rosser. He considered Scott as working for the City. He included Scott with the rest of the detectives. Mr. Frank looked very much disappointed because the Grand Jury had just indicted him when he expected to be cleared. Mr. Frank has a great many friends who constantly visited him in jail.

NATHAN COPLAN, Sworn for the defendant.

I remember last Thanksgiving Day was a very disagreeable day. I don't remember whether it snowed. The B'nai B'rith is a charitable organization here composed of young men. They gave a dance out at the Jewish Orphans Home Thanksgiving evening. Mr. Frank had charge of it. Mr. Frank and his wife were there. I got there about eight o'clock. They were there at that time. They stayed there until about ten o'clock.

JOE STELKER, Sworn for the defendant.

I have got charge of the varnishing department at the pencil factory, about sixty people work under me. I saw the spot that Mr. Barrett claimed he had found in front of the young ladies dressing room. It looked like someone had some coloring in a bottle and splashed it on the floor. Chief Beavers asked me to find out whether it was varnish or not. I saw the white stuff on it. It looked

like a composition they use on the eyelet machine or face powder.

*They carried that stuff around in buckets in the metal room. It gets pulled up on the floor & looks something like face powder.*  
The spots look like some varnish. The floor in the metal room

is swept once a week. It is never washed. The spots looked as if it had been made three days before. I would not have noticed it, had not my attention been called to it. The floor is a greasy one. The white stuff looked like it come from the eyelet machine. The alleged blood spots could have been made with a transparent red varnish. If it is that kind of varnish it will soak in and looks something like blood. If it is pigment it will show up right red. They use this kind of varnish in bottles in the metal room. I tried a stain on the floor there and it looked just like that spot that Barrett found. Everybody was nervous and shaky on Monday. The varnish I experimented with soaked in the floor and looked like the spot. I have seen paint all over the floor, it splashes out of the bucket and they

just sweep it up. I was at the undertakers Sunday afternoon two o'clock when Frank was there. Mr. Quinn, Mr. Ziganki, Mr. Darley and Mr. Schiff were there. I looked at the body with Mr. Zyganke. No one else was present. I have known Jim Conley about two years. His general character for truth and veracity is very bad? therefore, I would not believe him on oath.

*Frank came from Brooklyn*  
CROSS EXAMINATION, I am of no kin to Mr. Frank or any of his people. I do not belong to his society. I have never heard anything said against Conley, except since Frank was indicted. I also heard he was in the chaingang. I saw him in the chaingang on Forsyth st. I saw him with shackles on. I don't know what he was sent up for. I sent him out for 35¢ worth of beer and he filled it half full of water and he denied doing it. I could tell it was filled up by the taste of it. I know he did it because he had a suspicious look about him. That was last Summer. Zyganke helped me drink beer? That's about all the drinking I have ever seen there. At the undertakers Mr. Frank had on a dark suit of clothes. He had no raincoat with him. We went to the undertakers for the purpose of seeing the body. Mr. Frank did not ask me to meet him there. I went in to view the body and then came out. Mr. Frank came there ten minutes after we got there. While we were in there Mr. Frank had come and was speaking to Mr. Darley. I don't know how long I was sitting there? I was too nervous to know. I felt nauseated and nervous before I went in to see the body. When I went in to view the body Mr. Frank was standing outside talking with Mr. Schiff and Mr. Darley. Mr. Frank went in to view the body later on, ten or twenty or thirty minutes later. I was sitting down waiting for the rest of the men while he went in there. Zyganke was sitting with me. I don't know whether Mr. Frank went in the room to see the body or not. Mr. Frank was nervous when he got there, and when he came out just the same. Just the same expression he has got on his face now. The room was full of people when Mr. Frank went in there. I went down to the undertakers to see who was murdered. I did not know that she had already been identified as Mary Phagan. I only heard when I got to the

undertakers. I didn't see the impress of the cord on the neck. I just took one look and then came right out again. I saw the discoloration of the eye and that bruise and I sort of felt sick and I walked right out.

REDIRECT EXAMINATION. I am a German and I am accustomed to drinking my beer. I have never trusted Jim Conley after he put water in my beer.

HARLEE BRANCH, Sworn for the defendant.

I work for the Atlanta Journal. I had an interview with Jim Conley on two occasions. On May 31, he told me he didn't see the purse of this little girl. He said that it took about thirty five minutes after going upstairs until he got out of the factory. He said he finished about 1.30 and then went out. He said that Lemmie Quinn got into the factory about 12 o'clock and remained about 8 or 9 minutes.

CROSS EXAMINATION. I am sure about his saying he saw Lemmie Quinn at the factory at that interview. He was in jail when I had that interview. It was a few days after he went through the factory. As to Conley's movements at the factory, I was there a few minutes after twelve. Conley arrived there about 12.30 or 12.15. The detectives told him what he was there for. After a few minutes brief conversation, Conley started telling his story. When he reached the point at the rear left side of the factory, he described the position of the body, and described what he did with the body, and how Mr. Frank helped him. He enacted the whole story and talking all the time. After he had reached the point of disposing of the body, and writing the notes, I found it was time for me to go back to the office and I left. Conley began the enactment of the story a few minutes after he got there., which was a quarter past twelve, and he went through very rapidly. We had to start sort of trot to keep behind him. I left the factory at 1.10. In estimating the time Conley devoted to acting and how much to telling the story would be a guess. There is no way of disassociating the time between the two. I didn't attempt to do that. It would be a pure guess because I

no way of dividing the time. I should say that perhaps he was talking and not acting for about fifteen minutes. Of course he was talking all the time that he was acting. I did not say that I thought he was talking half of the time.

REDIRECT EXAMINATION. In going through his performance he walked very rapidly. We were almost on a trot behind him. I was at the factory fifty minutes while he enacted his story. I left him after he had written one note in Mr. Frank's office. He wrote the note very rapidly. It took him about two minutes. He didn't stay in the wardrobe over a minute. He just got in, closed the door and got right out. In approximating the time of his performance I gave a minute to his staying in the wardrobe and two minutes to writing the one note. If you add six minutes to writing the other notes and eight minutes to the time he said he stayed in the wardrobe, that would be fourteen minutes added to the ~~thirty~~ fifty minutes, which would be sixty four minutes for the time of the performance. If you deduct the fifteen minutes, which I saw he was talking, would leave forty minutes net which he took to enact the story.

RECROSS EXAMINATION. That is just an estimate. The only time I had was the time I left my office and the time I got back. Conley got to the factory 12.15 and I left there between 1.05 and 1.10. I saw Conley pick up a paper in the newspaper room and he looked like he was reading it. It had pictures on the front page and I judge he looked at them first, because afterwards he folded it. He had several minutes while I was telephoning.

JOHN M. MINAR, Sworn for the defendant.

I am a newspaper reporter for the "Atlanta Georgian". I visited George Epps Sunday night, April 27th. I went there to ask him and his sister when was the last time either of them had seen Mary Phagan. George Epps and sister were both present. I asked them who had seen Mary Phagan last, and the little girl Epps said she had seen her on the previous Thursday. George Epps was standing right there and he said nothing, about having seen her Thursday. He said he knew the girl, that he had ridden to town with her in the mornings,



occasionally when she went to work. He said nothing as to having seen the girl on Saturday and coming in on the car with her. I directed my questions to both the children.

CROSS EXAMINATION. I was not seeking evidence for the defendant. There was no defendant at that time. This was on Sunday, the day the body was found. I have been working under the direction of Mr. Clofein, city editor. Clofein visited Frank in jail. At that time Mr. Frank had not been mentioned in connection with the case at all. At the time of the interview with the little girl and the little boy they were both in the room with their father. Their father took me out there.

W.D. McWORTH, Sworn for the defendant.

I am a Pinkerton detective. I worked for fifteen days on the Frank case. For three days I took statements from the factory employees and on May 15th, I made a thorough search of the ground floor. I found near the front door on the ground floor, stains that might or might not have been blood. All the radiators in the factory had trash, dirt and rubbish behind them. Behind one of the radiators near the Clark Woodenware place, where the partition is, I found much trash, behind the trap door, up against the partition, and on top of the radiator were pipes and about eight or nine lengths of that rope that they tie pencils with. One length-the only one that came loose-was pulled straight away from the radiator and I saw signs of it having been <sup>cut</sup> recently with a sharp knife. Among the trash I found papers there dated February, 1911. That rubbish had been there some time, because the rest of the floor around there was clean. About six or eight inches from the left side of the radiator, there was a small pile of dirt and sweepings. When I took Mr Whitfield, another pinkerton detective, back there to show him the spots I had found, we looked behind the radiator and as I was sticking my hand around the dust and dirt, I discovered a pay envelope. (Defendant's exhibit 47). It was covered with granulated dust. I opened it and looked at it and saw the number 186 there. And the first initials of the name and "M" and a "P". I handed it

to Whitfield and said "take it to the door and see what it is". It was pretty dark in there. Right in the same corner, I also found a club, (defendants exhibit 48). It was standing up on the doorway with some iron pipes. The club is used by the dray man as a roller to roll boxes and barrels on. The iron pipes there were used for the same purpose. The satins on the club were either paint or blood, I don't know which. I found this little stick back of the front door (State's exhibit L).

CROSS EXAMINATION. I saw the spots in front of the ladies dressing room. It just looked as if the floor had been stained. There are half a dozen places. There was no difference in appearance between the dark spots by the water cooler and the other spot in the metal room. I did not make any special search on the office floor for a pay envelope. I was looking for the mesh bag under the instructions of Mr. Scott. Mr. Whitfield joined me in the search. In my report to the Pinkertons I reported that I found what I took to be blood satins around the trap door. they were dark discolorations. There were seven of them, averaging about seven inches in diameter. The gas was turned on and I used matches in examining them. I had found the stains first and while Mr. Whitfield and I were back there looking behind the radiator, we found the cord and twine about the radiator. Whitfield was examining the satins when I picked up the envelope which was all rolled up. I found the envelope about three o'clock on May 15, within eight or ten inches of the trap door. The name was written in lead pencil. So far as I know, the envelope has not been changed any since I saw it last. I did not see any "5" on the envelope. We went out to see Mr. and Mrs. ~~W~~ Coleman on May 17th, and showed them the envelope. There was no "5" on it at that time. There was no conversation about any five. I had ~~x~~ talked to Mr. Schiff before I saw Mr. Coleman. In my report I stated that the stains might have been bolld as well as stains. I reported the finding of this club to the police 17 hours after finding it. And within four hours thereafter, I had a conference with them about it. I never showed that whip to anybody (State's exhibit L) I didn't

show it to Mr. Black. I showed him the club and the envelope. I turned them over to Mr. Pierce, the superintendent of our agency. I don't know where he is, nor Mr. Whitfield either.

JOHN FINLEY, Sworn for the defendant.

I was formerly master machinist and assistant superintendent of the pencil factory. I have known Mr. Frank about five years. His character was good.

CROSS EXAMINATION. I am now superintendent for Dittler Bros. They are not related to the Franks. I left the pencil company about three years ago. I have never heard anything about women going up in the factory after work hours. Mr. Frank and I usually left together about 6 o'clock. Mr. Frank went to lunch usually about 1 o'clock. I would sometimes work at the factory all Saturday afternoon. I did that most of the time I was there. The elevator box was kept closed when I was there. I generally kept one key and we kept one key in the office. The rule was to lock it and keep one key in the office. It has been left unlocked. The elevator doesn't make much noise that I know of. It doesn't shake the building, not when I was there. The wheels on the top floor are closed in on the 4th floor. You might be able to see them on the 4th floor if you stand on the west side of the elevator. They didn't make any noise. The power box don't make any noise.

REDIRECT EXAMINATION. The motor makes a tremendous noise. You can hear it and the shafting anywhere in the building.

A. D. GREENFIELD, Sworn for the Defendant.

I am one of the owners of the building occupied by the Pencil Company on Forsyth St. I have owned it since 1900. When we bought the building it was occupied by Montag Bros. They used it as a manufacturing plant. The Clarke Woodenware Company subleased part of the first floor from Montag Bros. They used the front door of Montag Bros. In going in there. We have not put in any new floor on the second story of the building. I have known Mr. Frank four or five years. His character is good.

CROSS EXAMINATION. I have come in contact with Mr. Frank in bus have seen him twenty or thirty times during the past five years. I have not

contributed anything to any fund for his defence. I have not heard of any such fund.

DR WM. OWENS, Sworn for the defendant.

I am a physician. I am also engaged in the real estate business. At the request of the defence I went through certain experiments in the pencil factory to ascertain how long it would take to go through Jim Conley's movements relative to moving the body of Mary Phagan. I kept the time while the other men were going through with the performance. I followed them and kept the time. Mr. Wilson of the Atlanta Baggage Co/ also kept time with me. Mr. Brent and Mr. Fleming enacted the performance. The performance enacted was as follows: "12.56 o'clock, Conley goes to cotton box from elevator stairs, gets piece of cloth, takes cloth back to where body lay and ties it just like a person that was going to give out clothes on Monday, ties each corner, draws it in and ties it, ties the four corners together, and rund right arm through cloth, went to put it up on his shoulder and found he couldn't get it up on shoulder, it was too heavy, and he carried it ~~xxxx~~ that way on his arm, when close to little dressing room in the metal department, he let the body fall, he jumped, and he was scared and said: "Mr. Frank, you will have to help me with this girl, she is heavy;" Frank comes and runs down from the top of the steps, and after he comes down there, he caught her by the feet, and Conley laid hold of her by the shoulders, and when they got her up that way, they backed, and Frank kind of put her on Conley, Frank was nervous and trembling too, and after walking a few steps, Frank let her feet drop; then they picked her up and went to the elevator and sat her on the elevator, and Frank pulled down the cords, and the elevator wouldn't go, and Frank said: "Wait, let me go in the office and get the key;" and Frank goes in the office and gets a key and comes back and unlocks the storage box, and after that he started the elevator down; the elevator went down to the basement, and Frank said "Come on", and he opened the door that led direct to the basement in front of the elevator, and

carried it out and laid her down, and Conley opened the cloth and rolled her out on the floor, and Frank turned around and went on up the ladder, and Conley carries the body back to where the body was found; Conley goes around in front of the boiler, and notices her hat and slipper and a piece of ribbon; and Conley said: "Mr. Frank, what am I going to do with these things?" and Mr. Frank said: "leave them right there"; and Conley threw them in front of the boiler; Conley goes to the elevator, and Frank come on up and stepped off at the first floor, and Frank hits Conley a blow on the chest which run him against the elevator; Frank stumbles out of elevator as it nears second floor, Frank goes and washes his hands, and comes into the private office, and they sit down in the private office, Frank rubbing his hands on the back of his hair; Frank happened to look out of the door, and said: "My God, there is Emma Clarke and Corinthia Hall;" Frank runs back; Frank says "Come over here, Jim, I have got to put you in this wardrobe;" Frank puts Conley in wardrobe; Conley stayed there quite a while; Frank: "you got in a tight place"; Conley: "Yes Sir"; Frank: "You did very well;" Frank goes in the hall and comes back and lets Conley out of the wardrobe; Frank made him sit down; Conley sits down; Frank reaches on table and gets a box of cigarettes and matches, takes out cigarette and match, and hands Conley box of cigarettes; Conley lights cigarette, and commenced smoking, and hands Frank back box of cigarettes, Frank puts cigarettes back in his pocket and takes it out; Frank: "You can have these"; Conley reaches over and takes box of cigarettes and sticks them in his pocket; Frank: "Can you write?" Conley: "Yes sir, a little bit;" Frank takes out his pencil and sits down; Conley sits down at table; Frank dictates notes, Conley taking paper that Frank gave him; Conley writes one note; Frank says: "Turn over and write again;" Conley turns over paper and writes again; Frank: "Turn over again;" Conley turned over again and writes on next page; Frank: "That is all right;" Frank reaches over and gets green piece of paper and tells Conley what to write; Conley writes, Frank then lays it on his desk, looks at Conley



smiling and rubbing his hands, runs his hands in his pockets and pulls out a roll of bills; Frank says: "There is \$200,000:" Conley takes the money and looks at it a little bit; Conley: "Mr. Frank, don't you pay another dollar when that watch man comes, I'll pay him myself;" Frank: "All right, I don't see what you want a watch for, either; that big fat wife of mine, she wanted me to buy her an automobile, and I wouldn't do it; pause. I will tell you the best way, you go down in the basement, you saw that package that is on the floor in front of the elevator, take a lot of that trash and make up a fire and burn it; Conley: "All right, Mr. Frank, you come down with me and I will go:" Frank: "There is no need of my going down there, and I haven't got any business down there: "Conley: Mr. Frank, you are a white man and you done it, and I am not going down there and burn it myself:" (pause) Frank: "Let me see that money:" Frank takes money and puts it in his pocket. Conley: "Is this the way you do things?" (pause) Frank turned around in his chair, looks at money, and looks back at Conley, and throws his hands and looks up: Frank: "Why should I hang, I have wealthy people in Brooklyn;" Conley: "Mr. Frank, what about me?" Frank: "It is allright about you, don't you worry about this thing, you must go back to your work on Monday, like you have never known anything, and keep your mouth shut, if you get caught, I will get you out on bond and send you away". Conley: "That is all right, Mr. Frank." (pause) Frank: "I am going out home; can you come back this evening and do it?" Conley: "Yes sir, I am coming to get my money:" Frank: "Well, I am going home to get my dinner now, you come back here in about forty minutes from now, it is near my dinner hour, and I am going home to get my dinner; picks up money; Conley: "How will I get in?" Frank: "There will be a place for you to get in all right, but listen, if you are not coming back, let me know, and I will take these notes and put them down with the body." "Conley: "All right, I will be back in forty minutes." Conley looks at Frank, Frank looks up, then Conley gets up and stands by

chair and looks down at Frank; Frank grabs scratch pad from typewriter table and starts to make memorandum upon paper, but his hand trembles so he couldn't: Frank gets up to go; Frank: "Now, Jim you keep your mouth shut, do you hear?" Conley: "All right, I will keep my mouth shut, and I will be back here in forty minutes." Conley goes out! It took us eighteen and a half minutes by the watch to go through the movements and conversation, (as above set forth) which Conley says took place between him and Frank on Saturday, April 28th. The experiment was made as rapidly as the dialogue could be read. The eighteen and half minutes did not include the eight minutes that Conley said he was in the wardrobe and also the time it took him to write the notes, including the eight minutes he remained in the wardrobe and the ten minutes estimated for writing the notes, the whole performance would have taken 36 1/2 minutes.

GROSS ENACTMENT. We started the experiment at the entrance of Mr. Frank's office at the top of the stairs. We had the copy of Conley's movements and the conversation in our hands all the time. Mr. Haas and Mr. Wilson read the directions. Mr. Brent took the part of Conley. As they would read out the things that Conley did, Mr. Brent would do them. I went with him all the time. I don't think the giving of the directions lengthened the time very much, because the directions were being given while the enactment of each scene was going on. It wasn't done slowly and deliberately. When they dropped the body, those knots did not come untied. The sack that they carried, to represent the body, contained wet sawdust and cinders, and was supposed to weigh 107 pounds. It was tied up tight. There was only one point in the enactment where there might have been a loss of time, and that was where Mr. Frank was supposed to have paused in the office, and I suppose five or ten seconds were lost there. Mr. Fleming took part of Mr. Frank. When they took the body down on the elevator, Mr. Brent, representing Conley, opened the cloth and rolled the corpse out on the floor, on the cloth, then dragged her back to where the body was found. Mr. Brent dragged it back. He simply picked up the sack by the end and pulled it along. He dragged the sack with the enclosed sawdust

weighing about 107 pounds, back. Mr. Brent enacted everything that was supposed to have been done by Conley. Mr Fleming played the part of Mr. Frank. Neither one of these gentlemen are connected with the pencil factory. In putting the cloth around the corpse I think they actually gained time. They did it really faster than it could have been done. Mr. Herbert Haas did most of the reading of the directions. There were no feet hanging out of the ~~sack~~ sack like the body would. As to whether it isn't much easier to handle the sack as it was than it would be to handle a human body in a sack, with the head and shoulders and arms exposed at one end and the feet and the legs up to the knees exposed at the other. I believe you could pick up a body just as quickly as you could a sack. Corpses are pretty hard to handle. Fleming acted nervous and agitated like Frank was supposed to have done. He didn't tremble. I think he gained time there. In picking her up and putting her on the elevator? ~~I~~ I think they did that fully as quickly as a person could have taken a body, probably faster. I don't think Mr. Fleming really unlocked the elevator box like Mr. Frank was supposed to do it. He went through the motion. It probably takes longer to actually unlock it than it would to go through the motion of doing it. He probably gained time there. In going down the elevator, I think Mr. Schiff ran the elevator. He was in the building when we got there and let us in. He ran it because none of the rest of us knew how to run it. He brought us back up again in the elevator. That's the only part he took, in the performance. Mr. Brent, impersonating Conley, carried the body out of the elevator. He is a large man and had no trouble carrying 107 pounds. What ever the instructions called for we followed to the letter. Mr. Wilson and I had the paper in our hands and checked Mr. Haas as he read the directions. These directions furnished us were supposed to be Conley's testimony on the stand. It was furnished to us as a copy of the evidence as given by Conley? When we got to the basement I am not sure whether Mr. Brent, impersonating Conley, carried the body or dragged it. It could be dragged as quickly as it could be carried.

*I had my eyes on the paper all the time.*

Mr. Brent didn't get in the wardrobe, he was too big. He went to wardrobe and we eliminated the time he was supposed to be there. A small man could have got in it. They did not write out the notes. We eliminated that also. Staying<sup>a</sup> in the wardrobe and writing the notes was not included in the eighteen and a half minutes it took. It was said that Conley's testimony was to the effect that he was in the wardrobe eight minutes. The notes were supposed to have taken from 12 to 16 minutes to write, but we didn't add that in our estimate. Mr. Wilson and I set our watches together when the performance started. The only thing that we omitted from the entire performance was writing the notes and concealing Conley in the wardrobe. Yes, I wrote that letter. I wrote it partially at the instance of myself, and partially at the instance of Mr. Leonard Haas, my personal attorney.

REDIRECT EXAMINATION. I wrote that letter as a matter of conscience. It is as follows: " To the Grand Jury of Fulton County, W.D. Beattie Foreman, Gentlemen: Among a number of people with whom I have discussed the unfortunate Phagan affair, I have found very few who now believe in the guilt of Leo M. Frank, and I have felt a deep conviction growing in my heart that a terrible injustice might be inflicted upon an innocent man. While we are all still mystified by the published evidence now at command, I am impelled by a sense of duty to ask that you carefully weigh the testimony of all persons connected with the crime, and the accumulating evidence, and if further indictments are warranted, that the Honorable Body, of which you are the Foreman will not hesitate to find them. If I am exceeding the privilege which perhaps might be accorded citizens in this addressing your Honorable Body, it is your privilege to ignore what I have said. Whatever may be your conclusion in the matter, I wish to assure you in thus addressing you, that I am discharging a duty which has weighed heavily on my conscience, the performance of which I could not forego. I do not even know Mr. Frank, and have no personal interest in the case whatever. Very truly, your fellow-citizen, William Owens."

The pantomine that we enacted at the factory was the story as told by Jim Conley on the stand.

ISAAC HAAS, Sworn for the defendant.

I know Leo M. Frank for over five years. His character is very good. I did not hear my telephone ring on Sunday morning, April 27th. My wife heard it. The telephone is twenty two feet from my bed.  
CROSS EXAMINATION. My wife waked me up when she answered the telephone.

A. N. ANDERSON, Sworn for the defendant.

I work at the Atlanta National Bank. That is the original pass book of Leo M. Frank (Defendants exhibit 50)

CROSS EXAMINATION. I don't know that that's the only Bank account that he had. He may have had others. Yes, the pencil company does business with the Atlanta National Bank. I don't know anything about how much money they had on April 26. Mr. Frank's bank book was balanced August 11. These are all the checks that he drew (defendant's exhibit 51) *during the month of April*

REDIRECT EXAMINATION. These cancelled checks are the ones that have been paid since April 1, 1913. Mr. Frank had drawn no others since then.

RECROSS EXAMINATION. On the first of April he had \$111.13. on the 18th, of April he deposited \$15.00. That is all he deposited that month, and these checks were drawn against that \$111.13 and \$15.00.

R. P. BUTLER, Sworn for the defendant.

I am the shipping clerk of the pencil company. I am familiar with the doors leading into the metal room. They are wooden doors, with glass windows. There is no trouble looking through those windows into the metal room, even when the doors are closed. The glass in the door is about fifteen inches by eighteen inches. Any one of ordinary height can see through them easily.

CROSS EXAMINATION. The doors are six feet wide together. The passage way from the elevator back to the metal room is ten feet wide with the exception of that part where we have some boxes piled up, where it is about six feet wide. The boxes go to the ceiling on the one side. It is not particularly dark there. I measured the width



of the metal room doors. They were six feet wide exactly from  
jab to jab. The doors are usually open. If any one came up the  
stair case and turned to the office, they could see through the  
metal room doors. The floors of the metal room are very dirty.  
I don't know if the window are clean, but you can see through them.

I. U. KAUFFMAN, Sworn for the defendant.

I made a drawing of the Selig Residence on Georgia Avenue, in  
this city, showing the kitchen, dining room, the reception room,  
parlor and passage way between the kitchen and dining room. The  
mirror in the dining room is in the side board as shown on the plat  
(defendant's exhibit 52). It is fourteen feet from the kitchen  
door to the passage way in the dining room and the passage way is  
a little over two feet. Standing in the back door of the kitchen  
room against the north side side of the door, I could not see that  
mirror, because of the partition between the passage way and the  
dining room. On the south side of the kitchen door you would have  
less view than on the north side and could not see the side board  
wherein the mirror is located at all. It is 175 feet from the Selig  
home to the corner of Washington and Georgia Avenue and 271 feet  
from the Selig home to corner of Pulliam St. and Georgia Avenue,  
as shown on the plat (defendants exhibit 53.) I made a plat of  
the National Pencil company plant on Forsyth St. (Defendant's  
exhibit 61.) The page one of this plat is the basement. Page two  
is the first floor; the deminsions of the elevator shaft are six by  
eight and back of the trap door, as shown on the plat, is a ladder  
going to the basement. The size of the trap door is 3 feet by 3 feet  
and three inches. It is a 136 feet from the elevator shaft to the  
place where the body of the young lady is said to have been found,  
and 80 feet from thr front of the elevator shaft to to the trash  
pile and 90 feet from the elevator shaft to the boiler, and 116 feet  
from the elevator shaft to the colored people's toilet. It is 135  
feet from the elevator to the back stair way. The chute as shown on  
the page 2 of the plat, is five feet wide and 15 or 20 feet long.  
It empties upon a platform in the basement about eight or ten feet

from the back steps and about 33 feet from where the body is said to have been found. The back door is 165 feet from the elevator and the total length is 300 feet. I saw no furniture, except a bunk with old dirty sacks, which were very filthy. The floor of the basement is dirt and ashes. The trash pile is 57 feet from where the body was found and it is 21 feet from where the body was found to the colored toilet, and 43 feet from where the body was found to the back door. The angle from the colored toilet to where the body was found is 43 degrees and the partition in the basement cuts off the vision. I should say that it would cut off about half of the body. It is very dark in the basement. These diagrams are accurate, made according to accurate instruments. On the first floor there is an open areaway, extending to the west end of the building. It has a door about five feet wide. There are two toilets in this open areaway, about 90 feet from the front. This part of the first floor is directly above where the young ladies body was found. The size of the packing room is shown page 3 of the plat, is about 33 by 80. The inner office of Mr. Frank is  $13 \frac{1}{3}$  by  $17 \frac{1}{2}$ . When the safe is open, you can see nothing from the inner office to the outer office, or the outer office into the inner office, unless you stand up, and the safe is about  $4 \frac{1}{3}$  feet high. A person five feet and 2 inches tall could not see over the safe. There are no shades in the windows and a person on the opposite side of the street could look into the office. It is 150 feet from Mr. Frank's desk to the dressing room. There is no view from Mr. Frank's desk to the stair way to the first floor. Looking from Mr. Frank's desk towards the clock's you can see about one fourth of the East clock. You cannot see the bottom of the stairway which leads from the second to the third floor. The door ways in the metal rooms are about six feet wide. They have glass in them. It is ten feet from the door to this dressing room. It 26 feet from the dressing room to the place marked "lathe" and 37 feet from the lathe to the point where Conley said he found the body. It is 19 feet from ~~where~~ the place where Conley found the body to the ladies toilet.

CROSS EXAMINATION. There are ashes and cinders along the walk in the basement. Mr. Schiff showed me the point where the body was found. I made every calculation from the point that Mr. Schiff showed me. I made my diagrams within the last month. About two feet of the wall prevents seeing from the desk in Mr. Frank's office to the stair way. You can only see a part of the east clock and doesn't take in the west clock at all.

REDIRECT EXAMINATION. There will be no difficulty about one person going down the scuttle hole back of the elevator.

RECROSS EXAMINATION. If the Washington St. car had passed the nearest corner, it would be at Pulliam and Georgia Avenue.

FURTHER EXAMINATION. Sitting near the back door, he could not see the mirror.

FURTHER EXAMINATION. I do not know what the arrangement was in the Selig home on April 26.

J. Q. ADAMS, Sworn for the defendant.

I am a photographer. I took photographs of the Selig home at 68 E. Georgia Avenue from the inside and the outside of the back door, looking toward the passage way that leads in the dining room. The door into the dining room was open, for me. This view (exhibit 63) is view made from the outside of the rear door. I was about three feet outside of the door. The picture does not extend to the mirror, or the sideboard. You could not see them from the outside. This (Exhibit 63 for defendant) is a photograph taken standing directly in the door. You could not see the mirror with the naked eye or in the picture. The following are views taken at the pencil factory (defendants exhibit 64) is a picture of the safe, showing a view of the safe, standing just inside of the door of the office, looking toward the inner office. Defendants exhibit 65 is another view of the safe and office made standing in door. You could not see any part of Mr. Frank's desk in inner office, or a man sitting at desk, or a telephone or a window, defendants exhibit 66 is a photograph taken on the outside of the outer office, looking toward the inner office, with the safe door open. You could not see

into the inner office, to Mr. Frank's desk, or a man sitting there. Exhibit 67 for defendant shows the pay window. Defendant's exhibit 68 shows foot of the elevator shaft, showing the rubbish and barrels in and adjacent to the elevator shaft. Defendant's exhibit 69 shows the basement looking to the back door to the elevator shaft. Defendant's exhibit 70 represents the corner of the place where the body was found, the body being found just about the left corner, behind the partition. Defendant's exhibit 71 shows the exit to the back door of basement. Defendant's exhibit 72 shows the entrance on the street floor. The elevator is behind the partition on the right of this photograph. Defendant's exhibit 73 shows the elevator and trap door and stairway on the first or street floor. Defendant's exhibit 74 shows the place where Conley says he found the body. The defendant's exhibit 75 shows the place where the cotton sacks were kept. Defendant's exhibit 76 is a view of the plating room. Defendant's exhibit 77 is a view of the metal room showing where the floor was chipped by the detectives in front of the dressing room. On the left is the ladies dressing room. Defendant's exhibit 78 shows the lathe. Defendant's exhibit 79 shows a view from the third floor looking to the second floor. You can see a man walking from the metal room towards the elevator, just as is shown on this picture. Defendant's exhibit 80 shows the elevator box on the second floor. Defendant's exhibit 81 shows the ~~sluiceway~~ ~~boxes~~ ~~at~~ ~~the~~ ~~ground~~ ~~floor~~ ~~wheels~~ at the top of the fourth floor. Defendant's exhibits 82 and 83 show views of the metal room. Defendant's exhibit 84 shows the doors of the metal room. These doors have glass in them. They do not lock. You can push them together, but the locks do not catch. Defendant's exhibits 85 and 86 show the metal closet with the door open and closed. All these photographs are fair representations and are as accurate as a photograph can be. I have had 20 years experience. A slight change in the mirror would have made the corner of it visible and would have thrown part of the room in view.

CROSS EXAMINATION. The mirror could be turned so as to see a reflection in the hall. These photographs were made about a month ago. Sitting in the back door you could not see very near the mirror,



at the Selig residence.

T. H. WILLETT, Sworn for the defendant.

I am a pattern maker. I made the pattern of Pencil Factory from a blue print. This is the model (Exhibit 13 for defendant).

CROSS EXAMINATION. The height of the floors is not made according to scale. The floor plan is a correct representation, according to the blue print. The windows in Mr. Frank's office were not put in by me.

REDIRECT EXAMINATION. I was given no instructions except to follow the ground floor plan as shown on the blue print. This is the blue print, (defendant's exhibit 85), from which I made the model.

C. W. BERNHARDT, Sworn for the defendant.

I am a contractor and builder. This (defendant's exhibit 52) fairly represents the back porch of the Selig home, as well as the first floor of the house. Standing in the kitchen door you can't look through the passage way and see into the mirror. If you move up a little distance you can see about 18 inches of the mirror. You could see no body sitting on the south side of the table in the dining room, or on the north side of the table, in fact you cannot see the table at all, or the door leading from the dining room to the sitting room. Sitting in a chair against the jamb of the kitchen door, you could not see a man in that mirror. You would have to be a foot or more inside of the door before you get any view of the mirror at all.

CROSS EXAMINATION. Taking a point between the door and the back porch and a point about the pantry you could see about half of the mirror. The floor in the dining room showed that this furniture had been standing in the same position for some time. You could see the top of a man's head if he were sitting at the table. If the mirror were turned, you might get a view. It depends on the angle of reflection.

*It is easy to move the furniture. The mirror is rigid in the furniture.*

H. M. WOOD, Sworn for the defendant.

I am the Clerk of the Commissioners of Roads and Revenues of Fulton County. Standing in the back kitchen door of the Selig residence, that enters on the back porch and undertaking to look into the dining room, I could not see the man in the mirror.



of the dining room at all, Moving up into the kitchen, near the passage way, I could see nothing but the top of one chair by looking in the mirror.

CROSS EXAMINATION. The view that I could get of the mirror would depend upon where I stood in the kitchen. I can only speak from the conditions that existed as I saw them as to the arrangement of furniture.

JULIUS A. FISCHER, Sworn for the defendant.

I am a contractor and builder. I looked at the house of the Selig's at 68 E. Georgia Ave. Standing in the kitchen door, I had very little view of the sideboard. You could see possibly an inch in the mirror. You can get no view from the mirror. The test was made sitting down and standing up. The mirror is four feet high from the floor. You could get no view of the dining room table, nor see a man sitting at the table. The mirror is fixed straight up and down. The views you get depend on the angle of the mirror. If properly adjusted you might see a man standing up.

CROSS EXAMINATION. I had the mirror turned around, but I couldn't see anything. The mirror was too high from the floor. I don't know what the conditions were on April 26th.

J. R. LEACH, Sworn for the defendant.

I am division superintendent of the Ga. Rwy & Power Co. I know the schedule of the Georgia Ave. line and the Washington St. line. The Georgia Ave. line leaves Broad and Marietta on the hour and every ten minutes. It takes two minutes to go from Broad and Marietta to the corner of Whitehall and Alabama. It takes 12 or 13 minutes to run from Broad and Marietta to the corner of Georgia Ave. and Washington St., about ten minutes from Whitehall and Alabama to Georgia Ave. and Washington St. The Washington St. car leaves Broad and Marietta two minutes after the hour and every ten minutes. It gets to the corner of Whitehall and Alabama St. in two minutes and it takes ten minutes from Whitehall and Alabama to Washington and Georgia Ave. and ten minutes from Glenn and Washington Sts. into center of the city.

CROSS EXAMINATION. The man come in ahead of the schedule times. I suspended a man last week for coming in ahead of time. It happens.

ahead of time when they are going to be relieved. It isn't a matter of impossibility to keep the men from coming in ahead of time, but we do have it. The English Ave. line is a hard schedule.

It frequently happens that the English Avenue car cuts off the River car, and the Marietta car. I have seen the English Ave. car out off the Fair St. car, which is due at five after the hour.

K. T. THOMAS, Sworn for the defendant.

I am a civil engineer. I measured the distances from the intersection of Marietta and Forsyth St., to the pencil factory on Forsyth St. it is 1016 feet. I walked the distance, it took me four and a half minutes. I measured the distance from the pencil factory to the intersection of Whitehall and Alabama, it is 831 feet. I walked the distance and it took me  $3\frac{1}{2}$  minutes. I measured the distance from the pencil factory to the corner of Broad and Hunter it is 333 feet. I walked it in a minutes and three quarters. I walked at a fair rate.

CROSS EXAMINATION. I could have walked it more rapidly and made it in three minutes. A man would have to walk slower than I walked to take him 6 minutes to go from Marietta and Forsyth to factory.

L. M. CASTRO, Sworn for the defendant.

I walked from the corner of Marietta and Forsyth St. to the upstairs of the National Pencil Factory on So. Forsyth St. at a moderate gait. It took me  $4\frac{1}{2}$  minutes. I walked from the same place in the pencil factory to the corner of Whitehall and Alabama Streets, and it took me three minutes and twenty seconds. I walked from the corner of Hunter and Broad Streets to the same place in the pencil factory and it took me one minute and a half.  
NO CROSS EXAMINATION.

PROF. GEO. BACHMAN, Sworn for the defendant.

Prof. of Physiology and Physiological Chemistry Atl. Col. Phys. & Surgeons. Bomar says it takes 4 hours and a half to digest cabbage. That's for the cabbage to pass from the stomach into the intestines. The gastric digestion takes 4 hours and a half. That is the time is supposed to be in the stomach. More digestion occurs in the small

The pancreatic juice helps digestion mostly in the small intestine. It consists of water in organic salts of which sodium carbonate is the most important, and a number of ferments. The ordinary time that it takes wheat bread to pass out of the stomach is not less than three hours. The time for a meal consisting of cabbage cooked for about an hour and wheat biscuit to pass out of the stomach depends a great deal upon the mastication of the food. The times given above have reference to the most favorable conditions. If the cabbage is not well chewed, it would take considerably longer. It is impossible to tell exactly how long. There is no regular rules about how long such substances as cabbage and wheat bread will be found in a person's stomach. It depends upon too many different factors. Even in a healthy normal stomach the digestion might be arrested or retarded at any stage, as by strong emotion such as fear and anger or violent physical exercise, or the state of mastication. The Pylorus prevents passage of food to the intestines except when it is liquid and when there is free hydrochloric acid in the stomach. If solid food touches the pylorus it closes immediately and nothing passes for a time. If there were particles of cabbage in the stomach unmasticated in which you can see part of the leaf they are liable to keep the contents of the stomach in it seven or eight hours or longer by coming into contact with the pylorus. The liquid contents would pass into the intestines. The solid part would be retained for a very long time. The pylorus works mechanically, and unless a chemist knows to what extent those unchewed portions have affected the pylorus he can give no reliable estimate as to how long such food has been in the stomach. It's a guess. The acid in the stomach is hydrochloric, consisting of one atom of hydrogen and one of chlorine. It combines with protein, only one percent of cabbage is protein, and only about one percent of the cabbage is acted upon in the stomach; the balance is acted upon in the ~~stomach~~ small intestines, and in the mouth, where digestion begins to a certain extent. The salts in the saliva act on the starch in the cabbage.

This cabbage (State's Exhibit G) I don't think has been masticated at all so far as these pieces are concerned. There can be no doubt that these pieces would retard the digestion and the passage from the stomach into the small intestines. The presence of such cabbage would make it very uncertain as to how long before the food would pass out of the stomach. I could't say, and I don't think anybody could say, how long cabbage and wheat bread in such condition would stay in the stomach. As far as wheat bread and water are concerned the acidity of the stomach with reference to hydrochloric acid may go between 40 and 60 degrees, which is the average height of the acidity. With wheat bread in the same shape of biscuit it would take the acidity about an hour to reach the height. With cabbage we don't know how long it would take it to reach that height. The acidity may rise very quickly and decline slowly. It would not necessarily take it one half of the 4 1/2 hours necessary for digestion. When the acidity reaches a certain height it begins to descend. The longer it stays in the stomach it decreases. If you find 33 degrees in the body of a corpse you cannot tell whether it is on the ascending or decreasing scale. There is no data on how long it would take the acidity to reach its height in case of cabbage. If a gallon of the juices of a corpse are taken from the body and a gallon of embalming fluid, which is 8% formalin, is put in, it would destroy the ferments in the pancreatic juices. There would be no way to tell by testing such a body whether any of that pancreatic juice had been in the lower intestine or not, for the only way to tell that is to find the action of the ferment, and if the formalin has destroyed it you can't tell anything about that at all. After formalin has been in the body it is difficult to tell how long food has been in the stomach. Formalin destroys the pepsin in the stomach. I never heard of hydrochloric acid being measured by drops before, because it's a vapor. If I investigated a stomach and found wheat bread and cabbage, some of which was in that condition (State's Exhibit G) and approximately a drop and a half or two drops of combined hydrochloric acid, the stomach being taken during a post mortem on a subject that has been interred nine or



or ten days, a gallon of the liquids of the body having been taken out and a gallon of embalming fluid put in, it, and ~~ixixixixixixix~~ if I further found the acidity of the stomach to be 32 degrees and practically no pepsin, and practically nothing in the lower intestine, the body having been embalmed with formaldehyde, it would be impossible for me or any other chemist or physician to tell anything about the time it had been in the stomach. The acidity of the stomach does not suffice to show it, because it may have been higher than that. There may have been considerable free hydrochloric acid, and that may have disappeared after the body had been embalmed, or even before that, some of it will combine with the walls of the body and some passes out. Not finding anything in the lower intestine would be of no value at all, because the ferments would be destroyed entirely.

CROSS EXAMINATION. If I took the contents of an absolutely normal stomach and made a positive test and found starch there, and there was nothing to indicate that anything was stopped up, and the intestines six feet below, were absolutely clear, and nothing has moved out of the stomach, that would show me nothing as to how far digestion had pressed, for starch is found in the stomach from the beginning of digestion until the last particle of bread has passed out of the stomach and that may be three or four hours. Medical men are able to compile tables showing how long it takes to digest cabbage and other things by testing for protein, but not for starch, because proteins are the only substances which combine with the hydrochloric acid and which are digested in the stomach, and what can be done only within certain limits and not with mathematical certainty. If the starch digestion is not interrupted, maltose would be found in the stomach, but if I made a test and found starch, but no maltoes, I could express no opinion unless the food had been well masticated, and unless I knew how soon after the food entered the stomach that free hydrochloric acid appeared, because free hydrochloric acid stops the starch digestion. Finding starch and



and no maltose would not necessarily mean that digestion had not progressed very far, because free hydrochloric acid may have appeared soon after the food entered the stomach and stopped starch digestion. In the average case I would say the starch had not been in the stomach very long. In an ordinary normal stomach you might find maltose before the food reaches the stomach, even in the mouth, it depends on mastication. If I did not find it in the mouth or stomach I could not say how long digestion had progressed. I was told that these samples (State's Exhibit G) were taken from a normal stomach within from 40 to 60 minutes after they were taken in it, I would answer that they might have been in the stomach 7 or 8 hours. When it is said in the books that it takes 4 hours to digest cabbage it means cabbage which has been well chewed, not cabbage of that kind. (State's Exhibit G)

REDIRECT EXAMINATION. Cabbage, like this (State's Exhibit G) could pass from the <sup>body</sup> whole. Before it could be told with any degree of certainty how long after eating a meal of bread and cabbage 32 degrees of hydrochloric acid would be found numerous observations would have been made.

DR. THOMAS HANCOCK? Sworn for the defendant.

A doctor for 23 years. Engaged in hospital work 6 or 7 years. Have treated about 14,000 cases of surgery. Have examined the <sup>private</sup> parts of Leo M. Frank and found nothing abnormal. As far as my examination disclosed he is a normal man sexually. If a body is embalmed about 8 or 10 or 12 hours after death, a gallon of the liquids of the body removed, a gallon of embalming fluid, containing 8% formaldehyde is injected, the body buried and a post mortem examination made at the end of 9 or 10 days, and the doctor finds back of the ear a cut which <sup>is</sup> opened and which extends to the skull about an inch and a half long and finds on the inside of the skull no actual break of the skull, but a slight hemorrhage under the skull corresponding to the point where the blow had been delivered and there is

no interference with the brain or any pressure on the brain, no doctor could tell that long after death whether or not the wound would have produced unconsciousness, because the skull may be broken and considerable hemorage and depression occur without any loss of memory even. There is no outside physical indication of any sort that a man could find that can tell whether it produced unconsciousness or not. If the body was found 8 or 10 or 12 hours after death with that wound and some blood appears to have flowed out of the wound, that would ~~have~~ have been inflicted before or after death, the blood might flow from a wound inflicted after death from one to six or eight or ten hours by gravity. If the wound was made during life by a sharp instrument I would expect it, to bleed. A live body bleeds more than a corpse. If under the above conditions only a visual examination of the lungs was made and no congestion was found, it could not be stated with certainty whether or not the person died from strangulation. If in such a subject I removed the stomach and found in it wheat bread and cabbage partly digested like that (State's Exhibit G), and 32 degrees of acidity in the stomach and very little liquids or anything in the smaller intestine and feces some 5 or 6 feet further down, and if the stomach was taken from the body 9 days after death after it had been embalmed with a preparation containing 8% formaldehyde, neither I nor anybody else could give an intelligent opinion of how long that cabbage and wheat bread had been in the stomach before death. The digestion of carbo-hydrates begins in the mouth. The more cabbage and wheat bread are masticated the more easily it is digested. Cabbage chewed like that (State's Exhibit G) would take longer to digest. It is liable to stay in the stomach 3, 4 or 5 hours, and longer if it is stopped up by the pylorus, and when food is not chewed thoroughly, it causes irritation and constriction, and so the stomach would retain the food longer. Some times cabbage passes out of the body whole. No dependable opinion could be given as to the time that cabbage had been in the stomach from the conditions of ~~acidity~~ acidity or

lack of acidity, starch or the lack of starch, maltose or the lack of maltose. The conditions are too variable. A great many things retard digestion, such as excitement, anger and grief. Formaldehyde stops all fermented processes of the pancreatic juices, and after a body was embalmed with it I would not expect to find the pancreatic juices. It also destroys the pepsin, so that 10 days after death in the case of a body embalmed with formaldehyde no accurate opinion could be given as to how long the cabbage (State's Exhibit G) had been in the stomach. Each stomach is a law unto itself. Cooked cabbage is more difficult to digest than raw cabbage. I recently made tests with one man and four women with normal stomachs, giving them cabbage and wheat bread, and removing it from the stomach a little later to determine how the contents of the stomach looked. The first woman, age 22, (Defendant's Exhibit 88 A) ate loaf bread and cabbage, chewed it well and vomited it 60 minutes later. She ate it at 12 o'clock approximately. It took her 9 minutes to chew it. None of them were supposed to have eaten any thing since 6.30 o'clock that morning, but she had drunk some chocolate milk at 9.30, and that gives this specimen the chocolate brown color. The next one, (Defendant's Exhibit 88 B) has in it the hot water AND THE ENTIRE VOMIT and embalming fluid added to it, that is formaldehyde. This cabbage was not well chewed, and looks like it did before it was eaten. She ate it at 5 minutes after 12, and it stayed in her stomach 45 minutes. The next one (Defendant's Exhibit 88 D) was a man 25 years old. He did not chew his well. He ate it in 5 minutes. I took it from his stomach 1 hour and 15 minutes later. It was not digested. This next one (Defendant's Exhibit 88 C) was a woman, aged 21, she chewed it well, and held it from 30 to 45 minutes. There seems to be something like tomatoes in it which she ate at 6.30 that morning. This last one (Defendant's Exhibit 88 E) was woman, aged 25. She ate cabbage and bread? She did not chew it well, and kept it 2 hours and 28 minutes. You can see cabbage in there. No dependable opinion

resulting from the condition of the contents of the stomach ir-  
respective of acidity or the other chemical qualities as to how  
long babbage and wheat bread were in the stomach can <sup>be</sup> given where  
particles like that (State's Exhibit G) are found. Where a young  
lady 13 or 14 years old died, her body is embalmed as above de-  
scribed, and a post mortem performed 9 or 10 days after death, and  
the physician finds ~~the~~ epithelium detached from the walls of  
the vagina in several places nothing being visible to the naked  
eye and he takes several parts of the wall of the vagina away and  
examines them with a microscope and discovers that the blood  
vessels are congested, that is, there has been a hemorrhage in a  
number of instances the blood from those microscopic vessels get-  
ting into tissues, the removal of the epithelium could be account-  
ed for by the fact that there has been a digital examination the  
day after death by inserting the fingers, but in that length of  
time I would expect the epithelium to shed off. Finding the  
epithelium missing in several places or separated from the wall of  
the vagina would <sup>not</sup> indicate any violence done to the subjects in  
life. The condition of the blood vessels above described I would  
expect to result from other causes than violence. The embalming  
might force the blood through the small capillaries. If the sub-  
ject had just had her menstrual period and that had come back on  
her at about the time of death or before, that would account for  
those distended blood vessels and hemorrhage; but even if violence  
caused them, you could not tell how long before death that violence  
had been inflicted, or that it had been inflicted within from 5  
to 15 minutes before death. Death by strangulation might have an  
effect on those blood vessels. If there was no more damage than  
what I have described I would say certainly there was no violence  
on the young woman. A bruise or discoloration could be produced on  
the eye or face anytime before the blood coagulated utterly, which  
may be as long as 8 or 10 or 12 hours after death. A blow on the  
back of the head can discolor the eye. Death can be produced by a



blow on the outside of the head by concussion without any appreciable lesion on the outside of the head.

DR. WILLIS F. WESTMORELAND, Sworn for the defendant.

DIRECT EXAMINATION. A practicing physician for twenty eight years, general practice and surgery. A professor of surgery for twenty years, and formerly president of the State Board of Health. If the body of a girl between thirteen and fourteen years old was embalmed about ten hours after death, after taking out a gallon of fluid and putting in a gallon of embalming fluid, of which 8% is formaldehyde and the body is buried and nine or ten days after, upon a post-mortem examination a cut an inch and a half long cutting through to the skull in some places was found by the ear, and the skull was opened and on the inside of the skull no actual break of the skull was found, but a little hemorrhage under the skull corresponding to this point where the blow had been delivered and no pressure on the brain was caused, and no injury to the brain occurred, it would be impossible to tell whether or not that would have produced unconsciousness before death, skull may be fractured without producing unconsciousness. Death may be produced by a blow on the head that leaves very little outward signs. From looking at such a wound without any knowledge of the amount of blood lost, one could not tell whether it was inflicted before or after death. One could not tell from looking at a wound of that sort from which direction it was inflicted. (In answer to question as to whether he had any personal feeling against Dr. Harris, witness answered "no" but that he had preferred charges with State Board of Health, charging Dr. Harris with professional dishonesty.) A blunt surface can produce a wound that would look like a cut. If in the case of the same patient the stomach was taken out and in it was found wheat bread and cabbage, some of the cabbage looking like that (state's Exhibit G), and thirty two degrees of combined hydrochloric acid and substantially nothing in the small intestine, and feces some five feet away, it would be impossible to form a reliable opinion that cabbage had been in that stomach before death. That data or other data, that would be found by looking at the stomach, like of



ten days after death. Many things retard digestion. Much depends upon the particular stomach, and its affinity for particular foods. There is a cycle of acidity and in the progress of digestion that increases, and then later it goes down. Food that is not thoroughly emulsified will remain in the stomach indefinitely. Cabbage like that (State's Exhibit G) and wheat bread might remain in the stomach until the process of digestion is complete, which ordinarily would be from three and a half to four hours. They might pass through the body un-digested. A formaldehyde embalming preparation would destroy the pancreatic juices, and also the pepsin in the stomach. The probability is that some of the hydrochloric acid and maltose found upon an examination of the stomach in such a case would in no way determine how long food has been in the stomach. If upon the post-mortem above described, it was found that the epithelium had been so effected that it had been removed from the wall of the vagina in several places, and upon a microscopic test of the wall of the vagina it was found that some of the small blood vessels had congested blood in them, these facts would not necessarily indicate violence of any kind during life, it being also known that that had been a digital examination by the physician just after death and before embalming, and that the physician performing the post-mortem had removed the wall of the vagina with his hand and scissors. Any epithelium can be very easily stripped after death. The digital examination could have stripped it. So could the removal for purposes of post-mortem examination. If the subject had had a menstrual period a day or two before death, and she was found in the act of menstruating at the time of death this would account for the congested blood vessels, and it would also make the epithelium much easier to strip. Even ~~xxx~~ if an opinion could be expressed as to violence before death, it would be impossible to say that it occurred from five to fifteen minutes before death. From ~~the~~ an examination of the private parts of Leo M. Frank, he appears to be a perfectly normal man. A black eye

could be inflicted after death. As long as the blood id not coagulated. A lick on the back of the head could produce a black eye.

CROSS EXAMINATION. There are sexual inverts who are absolutely normal in physical appearance. If I had a subject where there was a blow on the head, going practically to the skull, with no injury to the brain, and the face was livid, the tongue hanging out, with deep indentation in the neck, the flesh pushed out of place, with blue nails and lips, I would say that death was produced by strangulation, in the absence of further facts. A blow on the eye could produce a swollen condition after death. Even assuming that the doctor who went into the uterus and vagina with his fingers was very careful and did not rupture or injure the parts or cause dilation, and if the microscopical examination showed a dilation of the blood vessels of the vagina, discoloration of the walls, and swelling of the parts, the menses could have brought about this condition, and it would not necessarily be due to violence.

Menstruation would not produce discoloration except there would be an increased reddening on account of the increased amount of blood. This change of color will be found wherever Epithelium was, in the uterus and in the vagina. It would produce swelling wherever the mucous membrane was. A doctor could not look at cabbage in various stages of digestion and venture an opinion as to how long it had been in a woman's stomach. Doctors do not know, even approximately how soon after a stomach receives a certain substance before hydrochloric acid is found in a free state. It may be delayed for hours, it may be found earlier? Digestion had no fixed rule at all. The usual rule is the hydro-chloric acid is found within a range of about half hour. The time when it begins to descend depends upon the character of the food in the stomach and as to how the glands are acting.

REDIRECT EXAMINATION. The human tongue could not produce any signs of violence in the vagina. Where there is a skull wound an inch and a half long cutting through the little arteries like the wound

described above, it would bleed and if the body lay in one place 30 or 40 minutes, there would be bleeding and if the body is picked up and carried about 40 feet and dropped at another place I would expect to find blood there. Skull wounds bleed very freely, and there would be blood wherever the body was.

Dr. J. C. OLMSTEAD, Sworn for the defendant.

Practicing Physician for 36 years. Given the facts that a young lady 13 or 14 years old died and 8 or 10 hours after death the body was embalmed with a preparation containing 8% formaldehyde, and the body is exhumed at the end of 9 or 10 days, and a post-mortem examination shows a wound on the left side of the back of the head about an inch and a half long, with cuts through to the skull, but no actual fracture to the skull, but a hemorrhage under the skull corresponding to the point where the blow was delivered, with no injury to the brain, it would ~~be impossible~~<sup>not</sup> be possible for a physician to determine whether or not that wound produced unconsciousness before death. Such a wound could have been made within a short while after death. It is impossible to tell from the mere fact of discoloration whether an eye was blackened before or after death. If the post-mortem made on the same subject 9 or 10 days after death showed upon an examination of the contents of the stomach a mixture of wheat bread and cabbage like this (State's Exhibit G), it being possible to distinguish a cabbage leaf, and 33 degrees of acidity, it would not be possible to determine from these facts or any other chemical facts that might be found there how long that had been in the stomach with any degree of accuracy. It is impossible to tell when hydro-chloric acid begins to be secreted in a given case. The hydro-chloric acid follows a curve; as a rule it ordinarily begins slowly until it reaches a certain point and then gradually goes off according~~y~~ to the character of the food and the amount in the stomach. After death free hydro-chloric acid and pepsin do not remain in such a state in the stomach that you could tell 9 days afterward the exact time of death. The hydro-chloric acid disappears after death, and neither

it nor the pepsin would be present in any degree 9 or 10 days after death. Embalming fluid destroys the pancreatic juices so that it would be impossible to find them. Babbage like that (State Exhibit G) is liable to obstruct the opening of the pylorus, and to delay digestion. Food of that character might remain in the stomach undigested for 10 or 12 hours irrespective of the acid found there. If shortly after death a doctor makes a digital and visual examination of the vagina, opening the walls of the vagina with his hand, and finds no signs of violence and then 9 or 10 days after death a post mortem examination shows the epithelium detached from the walls of the vagina in a number of places, and a microscope shows on parts of the vagina removed from the body that the blood vessels are congested, this may be due to menstruation or the natural gravitation of blood to those parts and is not necessarily indicative of violence. Manipulation of the membrane would account for the displacing of the epithelium. The use of embalming fluid would make a diagnosis of violence utterly unreliable. Strangulation might result in a distension of the blood vessels. The entire pelvic vessels are always more or less congested during menstruation. No one could make a digital examination of the vagina of a corpse without disturbing the epithelium. It would be impossible for a doctor finding those conditions in the vagina by means of a microscope 9 or 10 days after death to tell that that violence had been inflicted from 5 to 15 minutes before death.

CROSS EXAMINATION. There are medical tables showing that wheat bread digests in about 3 1/3 hours and cabbage in about 4 1/3 hours. If cabbage cooked in the same way and bolted down in the same way is taken from the stomach of a living person within 30 or 50 minutes after having been eaten and is found in a similar condition to that of cabbage taken from the dead person's stomach 10 days after death, that would not necessarily mean that the latter cabbage had been in the stomach an equal length of time.

DR. W. S. KENDRICK, Sworn for the defendant.

I have been a practicing physician for thirty<sup>five</sup> years. I was Dean of the Atlanta Medical College. I gave Dr. Harris his first position there. If a young lady between thirteen and fourteen years of age died and a post mortem examination was made within eight or ten hours after death, by a physician who makes a digital and visual examination to determine whether there is any violence to the vagina or not, and inserts his fingers for the purpose of deciding, and the body is embalmed, and after nine days it is disinterred and another post mortem performed and the physician performing the post mortem takes a half dozen strips and sees nothing with his naked eye by way of congestion, but by the use of a microscope finds that some of the epithelium is stripped from the wall of the vagina, I don't think that the finding of the epithelium stripped from the wall would indicate anything unusual. I don't think that would indicate any act of violence. A females menstrual periods brings about congestion and hemorrhages of the blood vessels every time. The congestion gradually subsides within two or three days. That would not be any indication of violence, nor could you tell how long before death the violence had been inflicted. If a young lady had a wound on the back of the head about an inch and a half long cutting to the skull and the skull was open and a small hemorrhage was found, that did not involve pressure on the brain and the brain itself was not injured, I am positive that no man examining the body nine or ten days after ~~could~~ ~~say~~ ~~anything~~ ~~way~~ ~~six~~ ~~months~~ ~~ago~~ death could have any way of telling whether that wound would produce unconsciousness or not. It would be a pure conjecture if he said anything on that subject. Skulls are sometimes fractures with out unconsciousness. Each stomach is a law itself. It is a known fact that some stomachs will digest different substances quicker than others. I don't think there is an expert in the world who could form any definite idea by either



chemical analysis of the liquids of the stomach or by the condition of the cabbage lodged in the stomach as to how long it had been in the stomach.

CROSS EXAMINATION. I am not a specialist of the stomach, but I am and have been teaching diseases of the stomach and all these cases come under my jurisdiction. Dr. Westmoreland is a surgeon, not a stomach specialist. Dr. Hancock is not a stomach specialist. If you find starch granules in the stomach undigested and cabbage undigested and thirty two degrees of hydrochloric acid in the stomach and no dextrose and no maltose, the small intestines for six feet absolutely empty, the sides and glands of the stomach all normal, I would not have an opinion as to how long that cabbage was in the stomach for the reason that each case will order itself. Yes, there are certain general principles dealing with these matters.

Hydrochloric acid appears early during digestion and in small quantities, and goes up. The main things in the stomach are pepsin and hydrochloric acid. As soon as a piece of cabbage or bread gets into the stomach the hydrochloric acid begins to attack it and works until it has a clear field and leaves nothing in the stomach, and thereafter the hydrochloric acid descends. I have made no effort whatever to find out how rapidly hydrochloric acid descends and ascends. I should think though that whenever you find no hydrochloric acid the process of digestion is ended and that if you find undigested things in the stomach and hydrochloric acid in a small degree that the process of digestion had not finished. That's the general rule. That does not apply in all cases. For instance, I can't digest cabbage at all. It will put me in bed. Each stomach is a law unto itself, so far as digestion goes any statement to the contrary is incorrect. There are certain basic laws that apply to most people. I haven't read a work on digestion in ten years. If there be four different stages of digestion, I think it would be impossible for an expert to tell

by an examination what stage of digestion certain things were in. There are so many exceptions to the rule. As to whether the cabbage had been digested or not, if whole pieces of cabbage were there I could tell, but if you could not find the cabbage either with the naked eye or the microscope, I would say that it had been digested. I don't know how long it takes an ordinary stomach to digest turnips. If a 13 year old child ate cabbage and bread on Saturday and her body was found that night about three o'clock, with the tongue out, deep indentations in the neck, a small flow of blood from a wound in the back of the head, a discolor of blood over her pantlets, one of the drawers legs torn, the stocking supporter torn loose, rigor mortis had set in since 16 to 20 hours, all blood had settled down in that part where gravity had taken it according to the way the body was lying and the small testines was clear six feet below the stomach, the stomach was normal, and there was no mucous and every indication was that the digestion was progressing favorably and this cabbage was found with the naked eye in the stomach and unmistakable evidences of undigested starch granules and thirty two degrees of hydrochloric acid, I say emphatically that no man living in my judgement could say how long that cabbage had been in the stomach. If Mary Phagan was alarmed concerning her surroundings, or knew that certain facts were upon her, digestion then and there would have almost been completely arrested. If she lived six or eight hours after this alarm, I say that no digestion could have continued up to the time of her death. Any kind of mental or physical excitement would largely arrest digestion, probably completely. I could tell by looking into the stomach that day but if I examined that ten days afterwards, and found the cabbage in that state and I had said that death or excitement had arrested its digestion I would consider that I had stated one of the greatest absurdities of the day. I don't believe it is possible to tell a thing in the world of the contents of the stomach of a person that had been dead six or eight or ten days. Yes, that looks like cabbage (States Exhibit G)

REDIRECT EXAMINATION. That cabbage dosen't look (State's Exhibit G) as if it had been chewed at all. Cabbage chewed that way would be hard to digest.

JOHN ASHLEY JONES, Sworn for the defendant.

I have known Mr. Frank about a year and eighteen months? His general character is good.

CROSS EXAMINATION. I am resident agent for the New York Life Insurance Company. I don't know any of the girls at the pencil factory. I have never heard any talk of Mr. Frank's practices and relations with the girls down there. Mr. Frank has a policy of insurance with us. it is our custom to seek a very thorough report on the moral hazard on all risks. The report on him showed up first class, physically as well as morally. I went to him in January 1912, and tried to write him additional insurance and on April 8th, I went to the factory to take his application, where I met him and his wife. After a thorough examination of him by our physician and a very satisfactory report, covering his moral reputation, we issued him a standard policy. I have never heard of Mr. Frank going out to Druid Hills and being caught there, but it was the business of our inspector to find out that and he certainly would have <sup>not</sup> issued such a policy if he had found it out. Two or three of us in the office signed a long letter to the Grand Jury in the interest of justice. Mr. Robert L Cooney, Mr. Hollingsworth, Mr. Clark and Myself signed it. We decided this was a matter of persecution. I think Mr. Cooney started it. No I have never ~~heard~~ heard of Mr. Frank's kissing girls and playing with their nipples on their breasts. I have never known Mr. Blackstock. I never heard that Mr. Frank would walk into the dressing room when the girls were dressing, nor that he tried to put his arms around Miss Myrtis Cato and tried to shut the door on her, or going in the dressing room with Lula McDonald and Rachael Prater, nor that ~~Mrs~~ Mrs. Pearl Darlson about five years ago threw a monkey wrench at him when he ~~might~~ put his hand on her and held money in one hand? I have never seen any nude pictures hanging in

his office, although I have been there a number of times. I have never heard that he smiled and winked at young girls.

REDIRECT CROSS EXAMINATION. This is the letter I wrote to the Grand Jury: Mr. W. D. Beatty, Atlanta, Ga. My Dear Sir: Without having the slightest intention of interfering in any way in matters which do not concern me, I believe the interest which any good citizen has in impartial justice warrants my saying that the business men to whom I have talked, commend very strongly the attitude of the Grand Jury in its disposition to at least investigate the merits of the situation as regards the negro Conley in the present matter which has interested the City of Atlanta so much that it is not necessary to describe it, and I sincerely hope that the Grand Jury will go into the matter exhaustively, knowing from the character of several of its members with whom I am acquainted that, to the best of their ability, the right thing will be done."

Dr LEROY W. CHILDS, SWORN for the defendant.

I am a surgeon. If a person dies and the body found three o'clock in the morning, rigor mortis not quite complete, embalmed the next day about ten o'clock, the body disinterred nine days later and a post mortem made, and a wound is found on the back of the head behind the ear, almost two and a quarter inches long going through the skull, there was perhaps a drop of blood under the wound, no pressure on the brain, no fracture of the skull, it would be impossible to determine absolutely at that time whether or not that wound produced unconsciousness. You might hazard a guess. The presence of the blood on the skull would have no effect, it is the force that produced the drop of blood that is material. It would be purely a guess to say whether that produced unconsciousness or not. The wound would bleed if inflicted within an hour after death and would have the same appearance as if inflicted just before death. With such a wound it would be a guess for a doctor to say whether it was inflicted just immediately before death, or



within an hour or two after death. Such a wound could be afflicted and a person remain perfectly unconscious. Fractured skull does not necessarily produce unconsciousness. Cabbage is a carbohydrate. It is considered the hardest food to digest among carbohydrates, because it has so much cellulose, which is woody fibre. The older the cabbage is the more cellulose it has. Cabbage gets its digestion in the mouth. That cabbage (State's Exhibit G) has not been masticated thoroughly. They have been swallowed almost whole. Raw cabbage is easier digested than cooked cabbage. Cooked cabbage is the most indigestible form of it. It is the ptyaline in the saliva that acts on the cabbage in the mouth. It acts on the carbohydrate part of the cabbage. The carbohydrate digestion ceases after it leaves the mouth until it reaches the small intestines. The only thing the stomach does is the churning movement by muscular action. As soon as gastric juice of the stomach strikes the cabbage it neutralizes the ptyalin and renders it inactive. It stops any further digestion of the carbohydrate. The balance of the digestion of the cabbage takes place in the small intestines by the pancreatic juices. The shortest time for boiled cabbage to pass into the small intestines is four and a half hours after it is eaten. The stomach does not digest cabbage. A person may swallow cabbage it will out of him whole completely undigested, and it will appear less changed than that appears. (State's Exhibit G) Psychic influences will retard digestion as excitement, fear, anger, also physical or mental exercise. Substances may be in the stomach quite a while and show very little evidences of digestion. Each stomach has its own peculiarities. If a human body is disinterred at the end of nine days and the stomach is taken out and among the contents you find cabbage like that (State's Exhibit G) and fragments of wheat bread slightly digested, you could not by looking at the cabbage hazard an opinion as to how long before death that had been taken into the stomach I don't think it is possible to state within a period of hours how long that cabbage had been in the stomach.

I have seen cabbage less changed than that cabbage you exhibited to me (State's Exhibit G) that has remained in the stomach 12 hours. Bread and cabbage would not begin to pass out of the stomach until 2 1/2 to three hours. A blow on the back of the head could blacken the eye. IT would be perfectly possible for the epithelium of the vagina to be ruptured by the fingers in making a digital examination it would be more liable to rupture it ten hours after this than immediately before this. Decomposition destroys the epithelium. It is <sup>a</sup>very delicate membrane. Decomposition develops very rapidly on such epithelium. In cases of death by strangulation all the mucous membranes throughout the body are congested by blood. It is not unusual to find these blood vessels congested when the death is by strangulation. In such ~~cases~~ a case I would expect to find congestion in the vagina, especially if the person had just had her monthly periods. Menses may be brought back by excitement. Violence would not be necessary to produce the conditions of congestion of the blood vessels that you have stated. The digital examination would be ~~sufficient~~ sufficient violence to produce the changes in the epithelium that you have stated. The congestion of the blood vessels could be entirely accounted for by natural causes, or from death by strangulation. If the epithelium stripped in some places and the blood vessels are found congested under the microscope, there is no possible way to determine if violence had caused it instead of natural causes, unless there is a sign of bacterial inflammation. It would be impossible to tell how long violence was inflicted before death, when the body is interred nine days after death. I could not hazard a guess within two days of the time. I think I might in two weeks.

CROSS EXAMINATION. The amount of digestion in the mouth depends on the amount of mastication in the mouth. If the food is bolted there is no digestion. I am not familiar with Dr. Crittendon's table. If he ~~states~~ states that boiled cabbage is easy to digest as raw cabbage he is at issue with the generally accepted authorities. Normal

stomachs have certain idiosyncracies. In normal stomachs is supposed to go along certain stipulated rules. You find free hydrochloric acid in any stomach that has food at any stage of digestion. As to whether you could ever find free hydrochloric acid in the stomach immediately after taking Ewald's test breakfast, we would depend entirely on the state of the glands, and how long previous digestion had been in the stomach. As to the total acidity in a stomach after such a test, that is for a laboratory man.

If you take cabbage out of a stomach like that (State's Exhibit G) the size of the stomach is normal, no obstruction to the flow of the stomach, and you find hydrochloric acid combined to about 32 degrees, no free hydrochloric acid that the starch of the wheat bread is slightly digested, and the state of the starch corresponds exactly to the state of the cabbage, I don't think you could tell inside of two hours or an hour and a half as to how long these things have been <sup>in a</sup> normal stomach. I have taken cabbage from a stomach by forced emesis twelve hours afterward and it did not show as much digestion as this cabbage (State's Exhibit G ).

The patient had a normal stomach, but the cabbage produced indigestion. That is the only experiment I have ever made with cabbage. If the little girl was found 16 to 20 hours after she was murdered, and there is a wound on the back of the head, with a small blood clot nine days after the thing happened, and 16 to 20 hours after her death the blood underneath the hair is still moist and there is a deep indentation in the neck, showing where a cord had been put around the throat and the tongue is out and the face livid and the nails blue and the lips blue and an injury to the wind pipe, I would say that the blow on the head did not cause death.

ALFRED LORING LANE, Sworn for the defendant.

I am a resident of Brooklyn, N.Y. I have known Leo Frank about 15 years. I knew him four years at Pratt Institute, which we both attended. I also knew him after he returned from Cornell University. His general character is good.

PHILIP NASH, Sworn for the defendant.

I live in Ridgewood, N.J. I am connected with the N.Y. Telephone Company, in New York City. I knew Leo Frank four years at Pratt Institute. I was in his class. His general character is good.

RICHARD A WRIGHT, Sworn for the defendant.

I live in Brooklyn, N.Y. I am a consulting engineer, with offices in New York City. I knew Leo Frank four years at Pratt Institute. I also knew him three years at Cornell. His general character is good.

HARRY LEWIS, Sworn for the defendant.

I live in Brooklyn, N.Y. I am a lawyer. I was formerly Assistant District Attorney of Brooklyn. I have known Leo Frank about twelve years. I have been a neighbor of his until he came south. His general character is good.

HERBERT LASHER, Sworn for the defendant.

I live in New York State. I manage my father's estates. I knew Leo Frank at Cornell University, during the years 1903, 4, 5, 6. I was in his class, and we roomed together for two years. His general character was very good.

CROSS EXAMINATION. He associated with the finest class of students at the university. I kept up a correspondence with him a couple of years after he left Cornell.

JOHN W. TODD, Sworn for the defendant.

I reside in Pittsburg. I am Assistant purchasing agent for the Crucible Steel Co. I attended Cornell University with Leo Frank. I knew him for years during the time I was in College. I am the life treasurer of our class. His general character was good.



PROF. C. D. ALBERT, Sworn for the defendant.

I am professor of machine designs in Cornell University. I have held that chair for five years. I knew Leo M. Frank for two years while he attended the university. At that time I was Instructor in mechanical laboratory, and as such I came in contact with him. His character was very good.

PROF. J. E. VANDERHOF, Sworn for the defendant.

I am foreman of the foundry at Cornell University. I knew Leo Frank for two years when he attended the university. His character was good.

CROSS EXAMINATION. I have been in Cornell 25 years. As to what caused me to take any special notice of Leo Frank I came in contact with him every alternate day while he was there. I know the characteristics of the boys very well. No, I cannot tell what Frank did when he was not in the class room.

V. H. KREIGSHABER, Sworn for the defendant.

I live in Atlanta. I have known Leo Frank for about three years. His general character is good.

CROSS EXAMINATION. I did not come in contact with him frequently. I am a Trustee of the Hebrew Orphans Home and Mr. Frank is also. I met him once a month there. I don't know how long he has been on the board. I have met him there probably twice. He also came quite frequently to the Orphans Home with his uncle, before he was elected to the board. I did not come in contact with him socially.

M. F. GOLDSTEIN, Sworn for the defendant.

I practice law in Atlanta. I have known Leo Frank about three and a half years. His character is very good.

CROSS EXAMINATION. We used to live on the same street together I would see him nearly every day. I would see him at the Progress Club a few times every month. During the last two years, he was the next ranking officer to me in the Lodge.

DR. DAVID MARX, Jewish Rabbi, and R. A. SONN, Superintendent of the Hebrew Orphans Home, being sworn for the defendant, testified that they had known Leo Frank very well ever since he came to live in Atlanta and that his character was good.

ARTHUR HEYMAN , Sworn for the defendant.

I practiced law about nineteen years in Atlanta. I have known Leo Frank for three or four years. His general character is good.

CROSS EXAMINATION . I have been with him seven or eight times in three years. I have been with him alone, I suppose, five or six times, probably for 15 or 20 minutes at a time. I have never heard any reference made to his relation with the girls in the factory.

MRS. H. GLOGOWSKI , Sworn for the defendant.

I keep a boarding house in this city. I have known Mr. Frank more than three years. He and his wife boarded with me for seven months. His character is good.

MRS. ADOLPH MONTAG, Sworn for the defendant.

I am a sister of Mr. Sig Montag. I have known Mr. Frank five years. His character is very good.

CROSS EXAMINATION. I Have heard of his character through the ladies he has lived with, Mrs Meyers has told me how nice he always was to her. My husband has always spoken well of him. I have heard a great many people speak well of him. I heard his uncle speak well of him. My husband has told me what a fine, intelligent gentleman he was.

MRS. J. O. PARMELEE , Sworn for the defendant.

My husband is a stockholder in the National Pencil Company Mr Frank's general character is very good.

CROSS EXAMINATION . I have seen Mr. Frank at the jail twice. I have only come in contact with him once at the factory. I am a member of the Board of Sheltering Arms, and I have heard a great deal of Mr. Frank in matters of charity and in a social way. I have heard different people speak of him, a great many people. I have heard the Liebermans, the Montags, the Haases, Mrs Bauer, Mr. Parmele and the employees at the factory speak of him.

MISS IDA HAYS, Sworn for the defendant.

I work at the pencil factory on the fourth floor. I have known Mr. Frank for two years. His general character is good. I have known Conley for two years. His general character for truth and veracity is bad. I would not believe him on oath.

CROSS EXAMINATION. Conley borrowed money and promised to pay it back, but he didn't do it. We would get it after awhile. He tried to borrow money from me, but I refused to let him have it.

MISS EULA MAY FLOWERS, Sworn for the defendant.

I work on the second floor of the pencil factory. I have known Mr. Frank for three years. His general character is good. I have known Conley for two years. His general character for truth and veracity is bad.

CROSS EXAMINATION. His borrowing money and not paying it back is one thing. He has promised and he has never paid back anything he has ever borrowed from me. I had Mr. Gantt take it out of his envelope. I have never met Mr. Frank anywhere for any immoral purpose.

MISS OPIE DICKSON, Sworn for the defendant. I

I have worked at the pencil factory for 17 months. Mr. Frank's general character is good. I have never met Mr. Frank for any immoral purpose. I have known Jim Conley ever since I have been at the factory. His general character for truth and veracity is bad. I would not believe him on oath.

CROSS EXAMINATION. I know Mr. Darley and Mr. Wade Campbell. I don't remember if I was with them on the night of April 26. I don't remember where I was.

MRS. EMMA CLARK FREEMAN, Sworn for the defendant.

I have worked at the pencil factory over four years. Mr. Frank's general character is good. I am a married woman. I have known Conley ever since he has been at the factory. His general character for truth and veracity is bad, I would not believe him on oath.

CROSS EXAMINATION. I have never heard any suggestion of any wrongdoing on the part of Mr. Frank, either in or out of the facto-

ry. I was forelady at the factory for about three years.

MISS SARAH BARNES, Sworn for the defendant.

I worked at the pencil factory over four years. His character is good. I have never heard anything bad. He has been the best of men.

CROSS EXAMINATION. No one has talked to me about what I was going to swear. I have told Mr. Arnold what I have told here. I never went with Mr. Frank for any immoral purpose anywhere.

MISS IRENE JACKSON, Sworn for the defendant.

I worked at the pencil factory for three years. So far as I know Mr. Frank's character was very well. I don't know anything about him. He never said anything to me. I have never met Mr. Frank at any time for any immoral purpose.

CROSS EXAMINATION. I am the daughter of County Policeman Jackson. I never heard the girls say anything about him, except that they seemed to be afraid of him. They never would notice him at all. They would go to work when they saw him coming. Miss Emily Mayfield and I were undressing in the dressing room once when Mr. Frank came in the door. He looked, turned around and walked out. He just came to the door, pushed it open. He smiled or made some kind of face. Miss Mayfield had her top dress off and had her old dress in her hand to put it on. I told Mr. Darley I would not quit unless my father made me, and he said if the girls will stick to Frank they won't lose anything. I heard some remarks two or three times about Mr. Frank going in the dressing room on different occasions, but I don't remember anything about it. The second time I heard of his going in the dressing room was when my sister was laying down there. She had her feet on a stool. She was dressed. I was in there at the time. He just walked in, and turned and walked out. Mr. Frank walked in the dressing room on Miss Mamie Kitchens, when I was in there. He never said anything the three times he walked in when I was there. The dressing room has a mirror and a few lockers for the foreladies. That's the only thing that I have ever seen Mr. Frank do, go in the dressing room and stare at the girls. I have heard them speak of other times when I was not there.



REDIRECT EXAMINATION. My father made me quit, after the murder. There are two windows in the dressing room opening on Forsyth St. I think there had been some complaints of the girls flirting through those windows. I have heard of some of the girls flirting through the windows. The orders were against the girls flirting through the windows. Mr. Frank never came into the room at all, he pushed the door open and just looked. My sister and I were both dressed when Mr. Frank looked in the door. The other time that he came in I was fixing to put on my street dress. I was not undressed.

RECROSS EXAMINATION. I don't know if Mr. Frank knew the girls were in there before he opened the door or not. It was the usual hour for them to be in there. He could have seen the girls register from the outer office, but not from the inner office. I have never heard any talk about Mr. Frank going around and putting his hands on the girls. I have never heard of his going out with any of the girls. My sister quit at the factory before Christmas. I have never flirted with anybody out of the window. I have heard them say they didn't want the girls to flirt around the factory. I have heard Mr. Frank say that <sup>to</sup> Miss McClellan, after she told him that she knew some of the girls flirting.

MISS BESSIE FLEMING, Sworn for the defendant.

I worked as stenographer at Mr. Frank's office, from April, 1911, to December, 1911. Mr. Frank's character was unusually good.

CROSS EXAMINATION. I am just talking about my personal relations with him. I have never seen him do anything wrong there in the factory. He never made any advances to me or anyone else. I worked right in the same office with him. The foreladies came to the office the other girls did not very much. I never did see any flirting. I never heard about any. Mr. Frank worked on his financial sheet in the afternoons, he didn't have time Saturday morning. I didn't stay there very often on Saturday afternoons, but I knew that he didn't have time to do it Saturday morning. I saw him on Saturdays during the mornings making out the financial sheet. The girls work by the hour and piece work. She has a right to go in there when she wants to dress to go out.

MISS MATTIE THOMPSON, Sworn for the defendant.