

Nobody has raised a fund to pay the fees of my attorneys. These fees have been paid by the sacrifice in part of the small property which my parents possess.

Gentlemen, some newspaper men have called me "the silent man in the tower," and I kept my silence and my counsel advisedly, until the proper time and place. The time is now, the place is here, and I have told you the truth, the whole truth.

EVIDENCE IN REBUTTAL FOR STATE.

J. R. FLOYD, R. M. GODDARD, A. L. GODDARD, N. J. BALLARD, HENRY CARR, J. S. RICE, LEM SMITH, all sworn for the State, testified that they knew Daisy Hopkins; that her general character for truth and veracity was bad and that they would not believe her on oath. J. R. Floyd testified that he heard Daisy Hopkins talk about Frank and said there was a cot in the basement.

J. T. HEARN, Sworn for the State.

I have known G. B. Dalton from 1890 to 1904. At first his general character was bad, but the last I knowed of him, it was good. I would believe him on oath.

CROSS EXAMINATION. I heard of his being indicted for stealing and selling liquor, but the last year he was in Walton County he joined the church and I never heard a word against him after that.

R. V. JOHNSON, sworn for the State.

I have known G. B. Dalton for about twenty years. His character for truth and veracity is good, and I would believe him on oath.

CROSS EXAMINATION. I didn't hear he was indicted for liquor selling before he left my county. He was in good standing when he left the church. I knew he was in the chaingang for stealing about 18 or 20 years ago.

W. M. COOK, W. J. ELDER, A. B. HOUSTON, J. T. BORN,
W. M. WRIGHT, C. B. MCGINNIS, F. P. HEFNER, W. C. HALE, LEON BOYCE,
M. G. CALDWELL, A. W. HUNT, W. C. PATRICK, all sworn for the State testified that they knew C. B. Dalton; that his general character for truth and veracity was good, and that they would believe him on oath.

MISS MYRTIE CATO, MAGGIE GRIFFIN, MRS. C. D. DONEGAN,
MRS. H. R. JOHNSON, MISS MARIE CARST, MISS NELLIE PETTIS, MARY
DAVIS, MRS. MARY E. WALLACE, ESTELLE WINKLE, CARRIE SMITH? all sworn for the defendant, testified that they were formerly employed at the National Pencil Company and worked at the factory for a period varying from three days to three and a half years; that Leo M. Frank's character for lasciviousness was bad.

MISS MAMIE KITCHENS, Sworn for the State in rebuttal.

I have worked at the National Pencil Company two years. I am on the fourth floor. I have not been called by the defense ~~tax~~ ~~taxifyx~~ Miss Jones and Miss Howard have also not been called by the defense to testify. I was in the dressing room with Miss Irene Jackson when she was undressed, Mr. Frank opened the door, stuck his head inside. He did not knock. He just stood there and laughed. Miss Jackson said "Well, we are dressing, blame it", and then he shut the door.

CROSS EXAMINATION. Yes, he asked us if we didn't have any work to do. It was during business hours. We didn't have any work to do. We were going to leave. I have never met Mr. Frank anywhere, or any time for ^{any} immoral purposes

MISS RUTH ROBINSON, sworn for the State in rebuttal.

I have seen Leo M. Frank talking to Mary Phagan. He was talking to her about her work, not very often. He would just tell her, while she was at work, about her work. He would stand just close enough to her to tell her about her work. He would show her how to put rubbers in the pencils. He would just take up the pencil and show her how to do it. That's all I saw him do. I heard him speak to her, he called her Mary. That was last summer

MISS DEWEY HEWELL, Sworn for the State in rebuttal.

I stay in the Home of the Good Shepherd in Cincinnati. I worked at the Pencil Factory four months. I quit in March 1913. I have seen Mr. Frank talk to Mary Phagan two or three times a day in the metal department. I have seen him hold his hand on her shoulder. He called her Mary. He would stand pretty close to her. He would lean over in her face.

CROSS EXAMINATION. All the rest of the girls were there when he talked to her. I don't know what he was talking to her about.

MISS REBECCA CARSON, ^{Recalled by} ~~sworn~~ for the State in rebuttal.

I have never gone into the dressing room on the fourth floor with Leo M. Frank.

MISS MERTLE CATO, MISS MAGGIE GRIFFIN, both sworn for the State, testified that they had seen Miss Rebecca Carson go into the ladies dressing room on the fourth floor with Leo M. Frank two or three times during working hours; that there were other ladies working on the fourth floor at the time this happened

J. E. DUFFY, Sworn for the State, in rebuttal.

I worked at the National Pencil Company. I was hurt there in the metal department. I was cut on my forefingers on the left hand. That is the cut right around there (indicating). It never cut off any of my fingers. I went to the office to have it dressed. It was bleeding pretty freely. A few drops of blood dropped on the floor at the machine where I was hurt. The blood did not drop anywhere else except at that machine. None of it dropped near the ladies dressing room, or the water cooler. I had a large piece of cotton wrapped around my finger. When I was first cut I just slapped a piece of cotton waste on my hand.

CROSS EXAMINATION. I never saw any blood anywhere except at the machine. I went from the office to the Atlanta Hospital to have my finger attended to.

W. E. TURNER, Sworn for the State in rebuttal.

I worked at the National Pencil Company during March of this year. I saw Leo Frank talking to Mary Phagan on the second floor, about the middle of March. It was just before dinner. There was nobody else in the room then. She was going to work and he stopped to talk to her. She told him she had to go to work. He told her that he was the superintendent of the factory, and that he wanted to talk to her, and she said she had to go to work. She backed off and he went on towards her talking to her. The last thing I heard him say was he wanted to talk to her. That is all I saw or heard.

CROSS EXAMINATION. That was just before dinner. The girls were up there getting ready for dinner. Mary was going in the direction where she worked, and Mr. Frank was going the other way. I don't know whether any of the girls were still at work or not. I didn't look for them. Some of the girls came in there while this was going on and told me where to put the pencils. Lemmie Quinn's office is right there. I don't know whether the girls saw him talking to Mary or not, they were in there. It was just before the whistles blew at noon. Mr. Frank told her he wanted to speak to her and she said she had to go to work, and the girls came in there while this conversation was going on. I can't describe Mary Phagan. I don't know any of the other little girls in there. I don't remember who called her Mary Phagan, a young man on the fourth floor told me her name was Mary Phagan. I don't know who he was. I didn't know anybody in the factory. I can't describe any of the girls. I don't know a single one in the factory.

W. P. MERK, Sworn for the State in rebuttal.

I have been a motorman for about three years, in the employ of the Georgia Railway & Electric Company. I know Daisy Hopkins. I have met her at the corner of Whitehall and Alabama St. between 2:30 and 3:30 on a Saturday. *She said she was going to pencil factory* I made an engagement with her to go to her room to see her that Saturday. I was in a room with her at the corner of Walker and Peter St about 8:30 o'clock. She told me she had been to the pencil factory that afternoon. Her general

her general character and veracity is bad. I would not believe her

on oath.

GEORGE GORDON, Sworn for the State, in rebuttal.

I am a practicing lawyer. I was at police station part of the time when Minola McKnight was making her statement. I was outside of the door most of the time. I went down there with habeas corpus proceedings to have her sign the affidavit and when I got there the detectives informed me that she was in the room, and I sat down and waited outside for her two hours, and people went and out of the door, and after I had waited there I saw the stenographer of the Recorder's court going into the room and I decided I had better make a demand to go into the room, which I did, and I was then allowed to go into the room and I found Mr February reading over to her some stenographic statement he had taken. There were two other men from Beck & Gregg Hardware store and Pat Campbell and Mr. Starnes, and Albert McKnight. After that was read Mr. February went out to write it off on the typewriter and while he was out Mr. Starnes said, "Now this must be kept very quiet and nobody be told anything about this". I thought it was agreed that we would say nothing about it. I was surprised when I saw it in the newspapers two or three days afterwards. I said to Starnes "There is nor reason why you should hold this woman, you should let her go." He said he would do nothing without consulting Mr. Dorsey and he suggested that I had better go to Mr. Dorsey's office. I went to his office and he called up Mr. Starnes and then I went back to the police station and told Starnes to call Mr. Dorsey and I presume that Mr. Dorsey told him to let her go. Anyway she said she could go. You (Mr. Dorsey) said you would let her go also. That morning you had said you would not unless I took out a habeas corpus. In the morning after Chief Beavers told me he would not let her go on bond and unless you (Mr. Dorsey) would let her go. I went to your office and told you that she was being held illegally and you admitted it to me and I said we would give bond in any sum that you might ask. You said you would not let her go because you would get in bad with the detectives, and you advised me to take

out a habeas corpus, which I did. The detectives said they couldn't let her go without your consent. You said you didn't have anything to do with locking her up. As to whether Minola McKnight did not sign this paper freely and voluntarily (State's exhibit J), it was signed in my absence while I was at police station. When I came back this paper was lying on the table signed. That paper is substantially the notes that Mr. February read over to her. As they read it over to her, she said it was about that way, Yes, you agreed with me that you had no right to lock her up. I don't know that you said that you didn't do it. I don't remember that we discussed that. You told me that you would not direct her to be let loose, because you would get in bad with the detectives. I had told you that the detectives had told me they would not release her unless you said so. I took out a habeas corpus immediately afterwards and went down there to get her released, and she was released.

CROSS EXAMINATION. I heard that they had had her in Mr. Dorsey's office and she went away screaming and was locked up. I knew that Mr. Dorsey was letting this be done. She was locked in a cell at the police station when I saw her. They admitted that they did not have any warrant for her arrest. Beavers said he would not let her out on bond unless Mr. Dorsey said so. He said the charge against her was suspicion. They put her in a cell and kept her until four o'clock the next day before they let her go. When I went down to see her in the cell, she was crying and going on and almost hysterical. When I asked Mr. Dorsey to let her go out on bond, he said he wouldn't do it because he would get in bad with the detectives, but that if I would let her stay down there with Starnes and Campbell for a day, he would let her loose without any bond, and I said I wouldn't do it. I said that I considered it a very reprehensible thing to lock up somebody because they knew something and he said, "Well, it is sometimes necessary to get information," and I said "Certainly, our liberty is more necessary than any information, and I consider it a trampling on

. our Anglo Saxon liberties*. They did not tell me that they already had a statement that she had made, and which she declared to be the truth.

REDIRECT EXAMINATION. You (Mr. Dorsey) did not tell me that you had no right to lock anybody up. I told you that, and you agreed to it, but you would not let her go. I told you that Chief Beavers said he would do what you said and then I asked you to give me an order. You said you wouldn't give me an order. When I told Starnes that I thought I ought to be in that room while Minola was making the statement, he knocked on the door, and it was unlocked on the inside and they let me in. They let me into the room at once after I had been sitting there two hours. I was present when she made the statement about the payment of the cook. I don't remember what questions I asked her at that time. I was her attorney, I didn't go down there to examine her; I went there to get her out. Starnes and Campbell were in and out of the room during the time. Mr. Starnes stayed on the outside of the door part of the time. I don't know who was in the room and who was not while I was outside.

ALBERT McKNIGHT, Sworn for the State in rebuttal.

This sideboard (defendant's exhibit ⁵²~~50~~) sets more this way than it was at the time I was there.

CROSS EXAMINATION. I don't know if the sideboard was changed, but it wasn't setting like that is in the corner. I didn't see the sideboard at all, but I don't like the angle of this plat.

R. L. CRAVEN, Sworn for the State in rebuttal.

I am connected with the Beck & Gregg Hdw. Co. Albert McKnight also works for the same company. He asked me to go down and see if I could get Minola McKnight out when she was arrested. I went there for that purpose. I was present when she signed that affidavit (State's exhibit J). I went out with Mr. Pickett to Minola McKnight's home the latter part of May. Albert McKnight was there. On the 3rd Day of June, we were down at the station house and they brought Minola McKnight in and we questioned her first as to the statements Albert had given me at first she

would not talk, she said she didn't know anything about it. I told her that Albert made the statement that he was there Saturday when Mr. Frank came home, and he said Mr. Frank came in the dining room and stayed about ten minutes and went to the sideboard and caught a car in about ten minutes after he first arrived there, and I went on and told her that Albert had said that Minola had overheard Mrs. Frank tell Mrs. Selig that Mr. Frank didn't rest well and he came home drinking and made Mrs. Frank get out of bed and sleep on a rug by the side of the bed and wanted her to give him his pistol to shoot his head off and that he had murdered somebody, or something like that. Minola at first hesitated, but finally she told everything that was in that affidavit. When she did that Mr. Starnes, Mr. Campbell, Mr. February, Albert McKnight, Mr. Pickett, and Mr. Gordon were there. When we were questioning her, I don't remember whether anybody but Mr. Pickett and myself and Albert McKnight were there.

CROSS EXAMINATION . We went down there about 11:30 o'clock. I didn't know that she had been in jail twelve hours then. I suppose she was in jail because they needed her as a witness. I was in Mr. Dorsey's office only one time about this matter, the same morning I started out to see if I could get her and I went to see Mr. Dorsey about getting her out. Her husband wanted her out of jail and I went to see Mr. Dorsey about getting her out. at first she denied it. I questioned her for something like two hours. I didn't know she had already made a statement about the truth of the transaction. Mr. Dorsey didn't read it to me. He said she was hysterical and wouldn't talk at all. I went down to get her to make some kind of a statement, I wanted her to tell the truth in the matter. I wanted to see whether her husband was telling the truth or whether she was telling a falsehood. Yes, she finally made a statement that agreed with her husband, and I left after awhile. As to why I didn't stay and get out, because I didn't want to. I went after we got her statement. No, I didn't get her out of jail. I did not look after her any further than that. I don't think Mr. Dorsey told me to question her. He wanted me to go

[REDACTED] out to see her, he said Mr. Starnes and Mr. Campbell would be up there and they would let us know about it, and we went up there and Mr. Starnes and Mr. Campbell brought her in. They let us see her alright. I did not ask Campbell or Starnes to turn her out. I didn't ask anybody to turn her out. I never made any suggestion to anybody about turning her out. Nobody cursed, mistreated or threatened this woman while I was there. I don't know what took place before I got there.

E. H. PICKETT, Sworn for the State in rebuttal.

I work at Buck & Gregg Hdw. Co. I was present when that paper was signed (State's exhibit J) by Minola McKnight. Albert McKnight, Starnes, Campbell, Mr. Craven, Mr. Gordon was present when she made that statement. We questioned her about the statement Albert had made and she denied it all at first. She said she had been cautioned not to talk about this affair by Mrs. Frank or Mrs. Selig. She stated that Albert had lied in what he had told us. She finally began to weaken on one or two points and admitted that she had been paid a little more money than was ordinarily due her. There was a good many things in that statement that she did not tell us though ^{at first} She didn't tell us all of that when she went at it. She seemed hysterical at the beginning. We told her that we weren't there to get her into trouble, but came down there to get her out, and then she agreed to talk to us but would not talk to the detectives. The detectives then retired from the room. Albert told her that she knew she told him those things. She denied it, but finally acknowledged that she said a few of those things, and among the things I remember is that she was cautioned not to repeat anything ^{that} she heard. We asked her a thousand questions perhaps, I don't know how many. I called the detectives and ~~she~~ told them we had gotten all the admissions we could. We didn't have any stenographer and Mr. Craven began writing it out, and Mr. Craven had written only a small portion when the stenographer came. She did not make all of that statement in the first talk she had with us. She didn't say anything with reference to Mrs. Frank

having stated anything to her mother on Sunday morning. The affidavit does not contain anything that she did not state there that day. Before she made that affidavit, she said he did eat dinner that day. She finally said he didn't eat any. At first she said he remained at home at dinner time about half an hour or more. She finally said he only remained about ten minutes. At first she said Albert McKnight was not there that day. She finally said he was there. She said she was instructed not to talk at first. At first she said her wages hadn't been changed, finally said her wages had been raised, by the Seligs. As to what, if anything, she said about a hat being given her by Mrs. Selig, the only statement she made about the hat at all was when she made the affidavit. We didn't know anything about the hat before. Nobody threatened her when she was there. When the first questioning was going on Campbell and Starnes were not in there. They came in when we called them and told them we were ready. Her attorney, Mr. Gordon, came in with the detectives.

CROSS EXAMINATION. As to why we didn't take her statement when she denied saying all those things, because we didn't believe them. We were down there about three hours. We went down there to try and get Minola McKnight out, if we could. We asked Mr. Dorsey to get her out. He said he would let us stand her bond, and he referred us to the detectives to make arrangements. As to why we didn't get her out then, we wanted a statement from her if we could get it. No, I didn't know that whenever the detectives got the story they wanted, they would let her out. As to my going to get her out and then grilling her for three hours, I didn't tell her I was going to get her out, I went down there to get her out, but she left there before I did. She went out of the room. The detectives treated her very nice. They let her go after she made the statement. I knew they were holding her because she did not make a statement confirming her husband. It was not my object to make her statement agree with her husband's statement, but it was my duty as a good citizen to make her tell the truth.

Dr. S. C. BENEDICT, Sworn for the State in rebuttal.

I am president of the State Board of Health as a member of the Board when Dr. Westmoreland preferred charges against Dr. Harris. Those minutes (State's Exhibit N) are correct. I desire to say that we do not wish to open up that question again Dr. Westmoreland's charges are not recorded here. I don't think they were put on the minutes. The reply to the charges were put in the minutes and the action of the Board. The minutes would show what action the Board took.

CROSS EXAMINATION. Dr. Harris reply is not entered on the minutes. The reply of the Board to the charges is on the minutes.

J. H. HENDRICKS, Sworn for the State in rebuttal.

I am a motorman for the Georgia Railway & Electric Company. On April 26, I was running a street car on the Marietta line to the Stock Yards on Decatur St. I couldn't say what time we got to town on April 26, about noon. I have no cause to remember that day. The English Avenue car, with Matthews and Hollis has gotten to town prior to April 26, ahead of time. I couldn't say how much ahead of time. I have seen them come in two or three minutes ahead of time. that day they came about 12.06. Hollis would usually leave Broad & Marietta st. on my car. I Couldn't swear positively what time I got to Broad & Marietta St. on April 26. I couldn't swear what time Hollis and Matthews got there that day. I don't know anything about that. Often they get there ahead of time, some times they are punished for it.

J. C. MCEWING, Sworn for the State in rebuttal.

I am a street car motorman. I ran on Marietta and Decatur St. April 26. My car was due in town at ten minutes after the hour on April 26. Hollis and Matthews car was due there 7 minutes after the hour. Hendricks cars was due there 5 minutes after the hour. The English Avenue frequently cut off the White City car due in town at 12.05. The White City car is due there before the English Avenue.

It is due 5 minutes after the hour and the Cooper St. id due 7 minutes after. The English Avenue would have to be ahead of time to out off the Cooper St. car. That happens quite often. I have come in ahead of time very often. I have known the English Avenue car to be 4 or 5 minutes ahead of time.

CROSS EXAMINATION. I don't know when that happened or who ran the car. I don't know whether they ran on scheduled time on April 26, or not. When one car id cut off, one might be ahead of time, and one might be behind time. Its reasonable to suppose that the five minutes after car ought to come in ahead of the one due seven minutes after. If it was behind it would be out off, just as easy as the other one would be out off by bein ahead.

M. E. McCOY, Sworn for the State, in rebuttal.

I knew Mary Phagan. I saw her on April 26, in front of Coledge's place at 13 Forsyth St. She was going towards ^{pencil company} Alabama St, South on Forsyth St, ^{on right hand side.} It was near twelve o'clock. I left the corner of Walton & Forsyth St. exactly twelve o'clock and came straight on down there. It took me three or four minutes to go there.

CROSS EXAMINATION. I know what time it was because I looked at my watch. First time I told it was a week ago last Saturday, when I told an officer. I didn't tell it because I didn't want to have anything to do with it. I didn't consider it as a matter of importance, until I saw the statement of the motorman of the car she came in on, and I knew that was wrong. She was dressed in blue, a low chunky girl. Her hair was not very dark. She had on a blue hat.

GEORGE KENDLEY, Sworn for the State in rebuttal.

I am with the Georgia Railway & Power Co. I saw Mary Phagan about noon on April 26. She was going to the pencil factory from Marietta St. When I saw her she stepped off of the viaduct.

CROSS EXAMINATION. I was on the front end of the Hapeville car when I saw her. It is due in town at 12 o'clock. I don't know if it was on time that day. I told several people about seeing her the

next day. If Mary Phagan left home at 10 minutes to 12, she ought to have got to town about 10 minutes after 12, somewhere in that neighborhood. She could not have gotten in much earlier. The time that I saw her is simply an estimate. That was the time my car was due in town. I remember seeing her by reading of the tragedy the next day. I didn't testify at the Coroners inquest, because nobody came to ask me. No, I have not abused and villified Frank since this tragedy. No, I have ^{not} made myself a nuisance on the cars by talking of him. I know Mr. Brent. I didn't tell him that Mr. Frank's children said he was guilty. Mr. Brent asked me what I thought about it several times on the car. He has always been the aggressor. As to whether I abused and villified him in the presence of Miss Haas and other passengers, there has been so much talk that I don't know what has been said. I don't think I said that if he was released I would join a party to lynch him. Somebody said if he got out there might be some trouble. I don't remember saying that I would join a party to help lynch him if he got out. I talk to Mr. Leach about it. I don't remember what I told him. I told him I saw her over there about 12 o'clock. That was the time the car was due in town. I know I saw her before 12.05. My car was on schedule time. I couldn't swear it was exactly on the minute.

HENRY HOFFMAN, Sworn for the State in rebuttal.

I am inspector of the Street car company. Matthews is under me a certain part of the day. On April 26, he was under me from 11.30 to 12.07. His car was due at Broad. and Marietta at 12.07. There is no such schedule as 12.07 1/2. I have been on his car when he cut off the Fair St. car. Fair Street car is due at 12.05. I have compared watches with him. They vary from 20 to 40 seconds. We are supposed to carry the right time. I have called Matthews attention to running ahead of schedule one or twice. They come in ahead of time on relief time for supper and dinner.

CROSS EXAMINATION. I don't know anything about his coming on April 26th. We found out he was ahead of time way along last March. He

a minute and a half ahead. I have caught him as much as three minutes ahead of time last Spring, on the trip due in town 12.07. I didn't report him, I just talked to him. I have known him to be ahead of time twice in five years while he was under my supervision.

N. KELLY, Sworn for the State in rebuttal.

I am a motorman of the Georgia Railway & Power Co. On April 26, I was standing at the corner of Forsyth and Marietta St. about three minutes after 12. I was going to catch the College Park car home about 12.10. I saw the English Avenue car of Matthews and Mr. Hollis arrive at Forsyth and Marietta about 12.03. I knew Mary Phagan. She was not on that car. She might have gotten off there, but she didn't come around. I got on that car at Broad and Marietta and went around Hunter St. She was not on there.

CROSS EXAMINATION. I didn't say anything about this because I didn't want to get mixed up in it. I told Mr. Starnes about it this morning. I have never said anything about it before. That car was due in town at 12.07. The Fair St. car was behind it.

W. B. OWENS, Sworn for the State in rebuttal.

I rode on the White City line of the Georgia Railway & Electric Co. It is due at 12.05. Two minutes ahead of the English Avenue car. We got to town on April 26, at 12.05. I don't remember seeing the English Avenue car that day. I have known that car to come in a minute ahead of us, some times two minutes ahead. That was after April 26. I don't recall whether it occurred before April 26.

LOUIS INGRAM, Sworn for the State in rebuttal.

I am a conductor on the English Avenue line. I came to town on that car on April 26. I don't know what time we came to town. I have seen that car come in ahead a time several times, sometimes as much as four minutes ahead. I know Matthews, the motorman. I have ridden in with him when he was ahead of time several times.

CROSS EXAMINATION. It is against the rules to come in ahead of time, and also coming in ahead of time. They punish you for either one.

W. M. MATTHEWS, Sworn for the State in rebuttal.

I have talked with this man Dobbs (W.C.) but I don't know what I talked about. I have never told him or any body that I saw Mary Phagan get off the car with George Epps at the corner of Marietta and Broad. It has been two years since I have been tried for an offence in this court.

CROSS EXAMINATION. I was acquitted by the jury. I had to kill a man on my car who assaulted me.

W.C. DOBBS, Sworn for the State in rebuttal.

Motorman Matthews told me two or three days after the murder, that Mary Phagan and George Epps got on his car together and left at Marietta and Broad st.

CROSS EXAMINATION. Sergeant Dobbs is my father.

W. W. ROGERS, Sworn for the State in rebuttal.

On Sunday morning after the murder, I tried to go up the stairs leading from the basement up to the next floor. The door was fastened down. The staircase was very dusty, like it had been some little time since it had been swept. There was a little mound of shavings right where the chute came down on the basement floor. The bin was about a foot and a half from the chute.

SERGEANT L.S. DOBBS, Sworn for the State in rebuttal.

I saw Mr. Rogers on Sunday try to get in that back door. There were cobwebs and dust there. The door was closed *leading up from basement in rear of factory*

O. TILLANDER, Sworn for the State in rebuttal.

Mr. Graham and I went to the pencil factory on April 26, about 20 minutes to 12. We went in from the street and looked around and I found a negro coming from a dark alley way, and I asked him for the office and he told me to go to the second floor and turn to the right. I saw Conley this morning. I am not positive that he is the man. He looked to be about the same size. When I went to the office, the stenographer was in the outer office. Mr. Frank was in the inner office sitting at his desk. I went there to get my stepsons money.

EKK. GRAHAM, Sworn for the State in rebuttal.

I was at the pencil factory April 26, with Mr. Tillander, about 20 minutes to 12. We met a negro on the ground floor. Mr. Tillander asked him where the office was, and he told him to go up the steps. I don't know whether it was Jim Conley or not. He was about the same size, but he was a little brighter than Conley. If he was drunk I couldn't notice it. I wouldn't have noticed it anyway.

CROSS EXAMINATION. Mr. Frank and his stenographer were up stairs. He was at his desk. I didn't see any lady when I came out.

J. W. COLEMAN, Sworn for the State in rebuttal.

I remember a conversation I had with detective McWorth. He exhibited an envelope to me with a figure "5" on the right of it.

CROSS EXAMINATION. This does not seem to be the envelope he showed me. (Defendant's exhibit 51) The figure "5" was on it. I don't see it now. I told him at the time that Mary was due \$ 1.20, and that "5" on the right would not suit for that.

J. M. GANTT, Sworn for the State for rebuttal.

I have seen Leo Frank make up the financial sheet. It would take him an hour and a half after I gave him the data.

IVY JONES, (c) Sworn for the State in rebuttal.

I saw Jim Conley at the corner of Hunter and Forsyth St. on April 26. He came in the saloon while I was there, between one and two o'clock. He was not drunk when I saw him. The saloon is on the opposite corner from the factory. We went on towards Conley's home. I left him at the corner of Hunter and Davis St. a little after two o'clock.

HARRY SCOTT, Sworn for the State in rebuttal.

I picked up cord in the basement when I went through there with Mr. Frank. Lee's shirt had no odor on it, excepting that of blood. I got the information as to Conley's being able to write from McWorth when I returned to Atlanta. As to the conversation Black and I had, with Mr. Frank about Darley, Mr. Frank said Darley

was the soul of honor and that we had the wrong man; that there was no use in inquiring about Darley and he knew Darley could not be responsible for such an act. I told him that we had good information to the effect that Darley had been associating with other girls in the factory; that he was a married man and had a family. Mr. Frank didn't seem to know anything about that. He said it was a peculiar thing for a man in Mr. Darley's position to be associating with factory employees, if he was doing it.

CROSS EXAMINATION. We left after about two hours interview.

L. T. KENDRICK, Sworn for the State in rebuttal.

I was night watchman at the pencil factory for something like two years. I punched the clocks for a whole night's work in two or three minutes. The clock at the factory needed setting about every 24 hours. It varied from three to five minutes. That is the clock slip I punched, (State Exhibit P). I don't think you could have heard the elevator on the top floor if the machinery was running or any one was knocking on any of the floors. The back stairway was very dusty and showed that they had not been used lately after the murder. I have seen Jim Conley at the factory Saturday afternoons when I went there to get my money.

CROSS EXAMINATION. I generally got to the factory about a quarter to two to 2.30. The clock was usually corrected every morning. The clock would run slow sometimes and sometimes fast.

VERA EPPS, Sworn for the State in rebuttal.

My brother George was in the house when Mr. Minar was asking us about the last time we saw Mary Phagan. I don't know if he heard the questions asked. George didn't tell him that he didn't see Mary that Saturday. I told him I had seen Mary Phagan Thursday.

C. J. MAYNARD, Sworn for the State in rebuttal.

I have seen BURTUS DALTON go in the factory with a woman in June or July 1913. She weighed about 125 pounds. It was between 1.30 and 2 o'clock in the afternoon on a Saturday.

CROSSEXAMINATION. I was ten feet from the woman. I didn't notice her very particularly. I did not speak to them.

Mr. Reed rides out with me every morning.
W. T. HOLLIS, Sworn for the State in rebuttal.

I don't remember talking to J. D. Reed on ~~XXXX~~ Monday April 29, and telling him that George Epps was Mary Phagan on my car together. I didn't tell that to anybody. I say like I have always said, that if he was on the car I did not see him.

J. D. REED, Sworn for the State for rebuttal.

Mr. Hollis told me on Monday April 28, that Epps had gotten on the car and taken his seat next to Mary and that the two talked to each other all the way as though they were little sweethearts.

J. N. STARNES, Sworn for the State in Rebuttal.

These were no spots around the scuttle hole where the ladder is immediately after the murder. Campbell and I arrested Minola McKnight, to get a statement from her. We turned her over to the patrol wagon and we never saw her any more until the following day, when we called Mr. Craven and Mr. Pickett to come down and interview her. We satyed on the outside while she was on the inside with Craven and Pickett. They called us back and I said to her, "Minola *the truth* is all we want" *and if this is not the truth don't you state it.* And she started to put the statement down. Mr.

Gordon her attorney, was on the outside, and I told him he could go inside without his making any demand on me, and he went in with me, and Mr February had already taken down part of the statement and I stopped him and made him read over what he had already taken down, and after she had finished the statement, Attorney Gordon went to Mr. Dorsey's office and then he came back to the police station. After he returned the affidavit was read over in the presence of Mr. Pickett, Craven, Campbell, Albert McKnight, and Attorney Gordon and she signed it in our presence. You (Mr. Dorsey) had nothing to do with holding her. You told me over the phone that you couldn't say what I could do, but that I could do what I pleased about it.

CROSS EXAMINATION. No, I did not lock her up because she didn't give us the right kind of statement. as to the authority I had to

lock her up, it was reasonable and right that she should be locked up. I did that for the best interest of the case I was working on. No, I didn't have any warrant for her arrest. She was brought to Mr. Dorsey's office by a baliff by a suppoena. I took her away from Dorsey's office and put her in a patrol wagon. I expect Mr. Dorsey knew we were going to look her up, but he did not tell us to do it. No, he didn't disapprove of it. I didn't know anything about her having made a previous statement to Mr. Dorsey. I think Mr. Dorsey said she had made such a statement. I saw her the next day in the station house. She didn't scream after leaving Dorsey's office until she reached the side walk. And then she commenced hollering and carrying on that she was going to jail; that she didn't know anything about it, or something like ~~that~~ that. No, I had no warrant for her arrest. She had committed no crime. I held her to get the truth. Mr. Dorsey told me I could turn her a loose as I pleased. That was after she made the statement. I told him as to what had ocured and that her attorney Gordon was coming up there to see him. I told Col. Gordon that if it was agreeable with Col. Dorsey that Minola could go so far as we are concerned. Well, Mr. Dorsey had more or less to do with the case that I was working on and I wanted to act on his advise and consent. He called me on the telephone and told that if the Chief thought it best or if we thought it best after conferring to just let her go.

DR. CLARENCE JOHNSON, Sworn for the State in rebuttal.

I am a specialist on diseases of the stomach and intestines. I am a physiologist. A physiologist makes his searches on the living body; the pathologist makes his on a dead body. If you give any one who has drunk a chocolate milks at about eight o'clock in the morning, cabbage at twelve o'clock and thirty or forty minutes thereafter, you take the cabbage out and it is shown to be dark like chocolate and milk, that much contents of any kind vomited up three and a half hours afterwards would show an abnormal stomach. It dosen't show a normal digestion. If a little girl who eats a dinner of cabbage and bread at 11.30 is found the next morning

dead at 3 A.M. with a rope around her neck indented and the flesh sticking up, bruised on the eye, blood on the back of her head, the tongue sticking out, blue skin, every indication that she came to her death from strangulation, her head down, rigor mortis had been on her twenty hours, the blood had settled in her where the gravity would naturally take it in the face, she is embalmed, formaldehyde is used and injected in the various cavities of the body, including the stomach, a pathologist takes her stomach a week or ten days after, finds cabbage of that size (State's Exhibit G) in the stomach, finds starch granules undigested, and finds in the stomach that the pylorus is still closed that there is nothing in the first six feet of the small intestines; that there is every indication that digestion had been progressing favorably, and finds thirty two degrees hydrochloric acid and if the pathologist ^{is} capable and ~~found~~ ^{finds} that there was only combined hydrochloric acid and that there was ^{abnormal} no mechanical condition of the stomach of the ~~first six~~ ^{six} feet of the ^{was empty} intestines, I would say that the digestion of bread and cabbage was stopped within an hour after they were eaten. That would not be a wild guess in my opinion.

CROSS EXAMINATION. The bruises on the head, the evidences of strangulation and other injuries about the head are other possible factors which must be taken into consideration. Anything which disturbs the circulation of the blood, or hinders the action of the nerves controlling the stomach, especially the secretion, prevents the development of the characteristics found in normal digestion one hour after a meal. I mean by mechanical condition of the stomach, no change in the size or thickness, or opening into the intestines, or size, or thickness of intestines. The test should be made with absolute accuracy with these acids. The color test is generally accepted. A man's eye has to be absolutely correct to make the color test. The degree of acidity in a normal stomach varies from 30 to 45 degrees, according to the stomach and what is in it. The formaldehyde would make no change on the physical property on the pancreatic juice found in the small intestine after death. There would be

hardly any change on its chemical property. When it comes in contact with the formaldehyde it is supposed to be preserved. It has some neutralizing effect on the alkali present. That decomposes in time after death, unless hindered by some preservative. The hydrochloric acids in the stomach also disappears if the stomach has disintegrated and the preservative has disappeared. It disappears like the other fluids and tissues of the body unless hindered by some preservative agent. Sometimes digestion is delayed a good deal even in a normal stomach by insufficient mastication, too much diluting of the juices, or anything that hinders the operation of the mechanical effect. Insufficient mastication is one of the commonest causes, also the taking of too much liquid. Fatigue occasioned by extensive walking would hinder it. If the walking was not too extensive to produce fatigue, it would help digestion in a normal stomach? Insufficient mastication is the worst cause of delayed digestion. My estimate was that the cabbage was found an hour after the process of digestion had begun. I did not undertake to say when the digestion began. You can't tell by looking at food in a bottle how much the failure to masticate it delayed digestion in hours and minutes. It would be just an estimate. The physical appearance of that cabbage (Defendant's Exhibit 88) shows indigestion, by the layer, character and size, and area of separation between, and the character and arrangement of the layers below. The mere fact that it was vomited up would be proof positive that no scientific opinion could be made about it. To make a scientific test, I would have to test the mechanism of the stomach, the time it was in there and the degree and presence of the different acids. The chocolate milk would not naturally stay in a normal stomach five or six hours? The cabbage would stay in a normal empty stomach where there was a tomato, also three or four hours. I never made any test of Mary Phagan's stomach and examined the contents of it.

REDIRECT EXAMINATION. 160 cubic cc of liquid in the stomach taken out nine days afterwards would be a little in excess of what I would consider normal under the conditions already named.

Dr. GEO M. NILES, Sworn for the State in rebuttal.

I confine my work to diseases of digestion. Every healthy stomach has a certain definite and orderly relation to every other healthy stomach. Assuming a young lady between thirteen and fourteen years of age at 11.30 April 26, 1913, eats a meal of cabbage and bread, that the next morning about three o'clock her dead body is found. That there are indentations in her neck where a cord had been around her throat, indicating that she died of strangulation, her nails blue, her face blue, a slight injury on the back of the head, a contused bruised on one of her eyes, the body is found with the face down, rigor mortis had been on from sixteen to twenty hours, that the blood in the body has settled in the part ~~that~~ where gravity would naturally carry it, that the body is embalmed immediately with a fluid consisting chiefly of formaldehyde, which is injected in the veins and cavities of the body, that she is disinterred nine days thereafter; that cabbage of this texture, (State's Exhibit G) is found in her stomach that the position of the stomach is normal, that no inflammation of the stomach is found by microscopic investigation, that no mucous is found, and that the glands found under this microscope are found to be normal, that there is no obstruction to the flow of the contents of the stomach to the small intestine, that the pylorus is closed, that there is every indication that digestion was progressing favorably, that in the gastric juices, there is found starch granules that are shown by the color test to have been undigested, and that in that stomach you also find thirty two degrees of hydrochloric acid, no maltose, no dextrin, no free hydrochloric acid - there would be more or less free hydrochloric acid in the course of an hour or more in the orderly progress of digestion of a healthy stomach, where the contents are carbohydrates. *I would say that indicated that digestion had been progressing less than an hour.*

The starch digestion should have progressed beyond the state erythrogextrin; in the course of an hour. There should have been enough free acid to have stimulated the pylorus to relax to a certain extent, and there should have been some contents in the duodenum. I am assuming of course that it is a healthy stomach and that the digestion was not disturbed by any psychic cause which would disturb the mind or any severe physical exercise. I am not going so much by the physical appearance of the cabbage. Any severe physical exercise or mental stress has quite an influence on digestion. Death does not change the composition of the gastric juices when combined with hydrochloric acid for quite a while. The gastric juices combine with the hydrochloric acid are an antiseptic or preservative. There is a wide variation in diseased stomachs as to digestion.

GROSS EXAMINATION. There are idiosyncracies in a normal stomach, but where they are too marked I would not consider that a normal stomach. I wouldn't say that there is a mechanical rule where you can measure the digestive power of every stomach for every kind of food. There is a set time for every stomach to digest every kind of food within fairly regular limits, that is a healthy stomach. There is a fairly fixed standard. There is no great amount of variation between healthy stomachs. I can't answer for how long it takes cabbage to digest. I have taken cabbage out of cancerous stomach that had been in there twenty four hours, but there was ^{an} obstruction. The longest time that I have taken cabbage out of a fairly normal stomach was between four and five hours. That was where it was in the stomach along with another meal. I found the cabbage among the remains of the meal four or five hours after it had been eaten. Mastication is a very important function of digestion. Failure to masticate delays the starch digestion. Starch and cabbage are both carbohydrates. I would say that if cabbage went into a healthy stomach not well masticated, the starch digestion would not get on so well, but the stomach would get

365

WRINKLE in

busy at once. Of course, it would not be prepared as well. The digestion would be delayed of course. That cabbage is not as well digested as it should have been (State's exhibit G), but the very fact of your anticipating a good meal, smelling it, starts your saliva going and forms the first stage of digestion, and digestion is begun right there in the mouth, even if you haven't chewed it a single time. Any deviation from good mastication retards digestion. I couldn't presume to say how long that cabbage lay in Mary Phagan's stomach. I believe if it had been a live, healthy stomach and in the process of digestion was going on orderly, it would be pulverized in four or five hours. I would be more broken up and trituated than it is. I wouldn't consider that a wild guess. I think it would have been fairly well pulverized in three hours. Chewing amounts to a great deal, but there should be an amount of saliva in her stomach even if she hadn't masticated it thoroughly. Chewing is a temperamental matter to a great extent. One man chews his meal, quicker than another. If it isn't chewed at all, the stomach gets busy and helps out all it can and digests it after a while. It takes more effort of course, but not necessarily more time. What the teeth fail to do the stomach does to a great extent. The stomach has an extra amount of work if it is not masticated. You can't tell by looking at the cabbage how long it had been undergoing the process of digestion? If that was a healthy stomach with combined acid of 38 and nothing happened either physical or mental to interfere with digestion, those laboratory findings indicated that digestion had been progressing less than an hour. I never made an autopsy or examination of the contents of Mary Phagan's stomach.

REDIRECT EXAMINATION. The first stage of digestion is starch digestion. This progresses in the stomach until the contents become acid in all its parts. Then the starch digestion stops until the contents get out in the intestines and become alkaline in reaction, then the starch digestion is continued on beyond. The

olfactories act as a stimulant to the salivary glands.

DR. JOHN FUNK, Sworn for the State, in rebuttal.

I am Professor of Pathology and Bacteriologist I was shown by Dr. Harris, sections from the vaginal wall of Mary Phagan, sections taken near the skin service. I didn't see sections from the stomach or the contents. These sections showed that the epithelium wall was torn off at points immediately beneath that covering in the tissues below, and there was infiltrated pressure of blood. They were you might say engorged, and the white blood cells in these blood vessels were more numerous than you will find in a normal blood vessel. The blood vessels at some distance from the torn point were not so engorged, to the same extent as those blood vessels immediately in the vicinity of the hemorrhage. Those blood vessels were larger than they should be under normal circumstances, as compared with the bold vessels in the vicinity of the tear. You couldn't tell about any discoloration, but there was blood there. It is reasonable to suppose that there was swelling there because of the infiltrated pressure of the blood in the tissues. Those conditions must have been produced prior to death, because the blood could not invade the tissues after death.

If a young lady, between thirteen and fourteen years old eats at eleven thirty A.M. a normal meal of bread and cabbage on a Saturday and at 3 A.M. Sunday morning she is found with a cord around her neck, the skin indented, the nails and flesh cyanotic, the tongue our and swollen, blue nails, everything indicating that she had been strangled to death, that rigor mortis had set in, and according to the best authorities had probably progressed from sixteen to twenty hours, and she was laying face down when found, and gravity had forced the blood into that part of the body next to the ground, that it had discolored her features, that immediately thereafter, between ten and two o'clock she was embalmed with a

fluid containing usual amount of formaldehyde, this being injected into the veins in the large cavities, she is interred thereafter, and in about a week or ten days she is disinterred, and you find in her stomach cabbage like that, (State's Exhibit G) and you find granules of starch undigested, and those starch granules are developed by the usual color tests, and you also find in that stomach thirty two degrees of combined hydrochloric acid, the pylorus closed, and the duodenum, and six feet of the small intestines empty, no free hydrochloric acid being present at all, nor dextrin, or erythro-dextrin being found in any degree, and the uterus was somewhat enlarged, and the walls of the vagina show dilation and swelling, I would say that under those conditions that the epithelium was torn off before death, because of the changes in the blood vessels and tissues below the epithelium covering, and because of the presence of blood. I would not express an opinion as to how long cabbage had been in the stomach, from the appearance of the cabbage itself, taking into consideration the combined hydrochloric acid of thirty two degrees, the emptiness of the small intestine, the presence of starch granules, and the absence of free hydrochloric acid, one can't say positively, but it is reasonable to assume that the digestion had progressed probably an hour, maybe a little more, maybe a little less.

CROSS EXAMINATION. Dr. Dorsey asked me to examine the sections of the vaginal wall last Saturday. The sections I examined were about a quarter of an inch wide and three quarters of an inch long. It was about nine twenty-five thousandths of an inch thick, that is much thinner than tissue paper. I examined thirty or forty little strips. That was after this trial began. I was not present at the autopsy. As soon as a tissue receives an injury, it reacts in a very short time. The reaction shows up in the changes of the blood vessels. You can tell by the appearance of the blood vessels whether the injury before death or not, and you can give an approximate idea as to the length of time before death. I do not know from what body the sections were taken. I know that it was from a human vagina.

EVI DENCE for DEFENDANT in SUR-REBUTTAL.

T. Y. BRENT, Sworn for the defendant in sur-rebuttal.

I have heard George Kendley on several occasions express himself ver. bitterly towards Leo Frank. He said he felt in this case just as he did about a couple of niggars hung down in Decatur; That he didn't know whether they had been guilty or not but somebody had to be hung for killing those street car men and it was just as good to hang one nigger as another, and that Frank was nothing but an old Jew and they ought to take him out and hang him anyhow.

CROSS EXAMINATION. I have been employed by the defense to assist in subpoenaing witnesses. I took the part of Jim Conley in the experiment conducted by Dr. Wm. Owens at the factory on Sunday

M. E. STAHL, Sworn for the defendant, in sur-rebuttal

I have heard George Kendley, the conductor, express his feelings toward Leo Frank. I was standing on the rear platform, and he said that Frank was as guilty as a snake, and should be hung, and that if the court didn't convict him that he would be one of five or seven that would get him.

MISS C. S. HAAS, Sworn for the defendant, in sur-re-

buttal.

I heard Kendly two weeks ago talk about the Frank case so loud that the entire street car heard it. He said that circumstantial evidence was the best kind of evidence to convince a man on and if there was any doubt, the State should be given the benefit of it, and that 90 % of the best people in the city, including himself, thought that Frank was guilty and ought to hang.

N. SINKOVITZ, Sworn for the defendant, in sur-rebuttal

I am a pawnbroker. I know M. E. McCoy. He has pawned his watch to me lately. The last time was January 11, 1913. It was in my place of business on the 26th of April, 1913. He paid up his loan on August 16, last Saturday, during this trial. This is the same watch I have been handling for him during the last two years

CROSS EXAMINATION. My records here show that he took it out Saturday.

S. L. ASHER, Sworn for the defendant, in sur-rebuttal.

About two weeks ago I was coming to town between 5 and 10 Minutes to one on the car and there was a man who was talking very loud about the Frank case and all of a sudden he said, "They ought to take that damn Jew out and hang him anyway". I took his number down to report him.

CROSS EXAMINATION. I have not had a chance to report since it happened.

^{al}
A
ADDITION STATEMENT MADE BY DEFENDANT, LEO.M.FRANK.

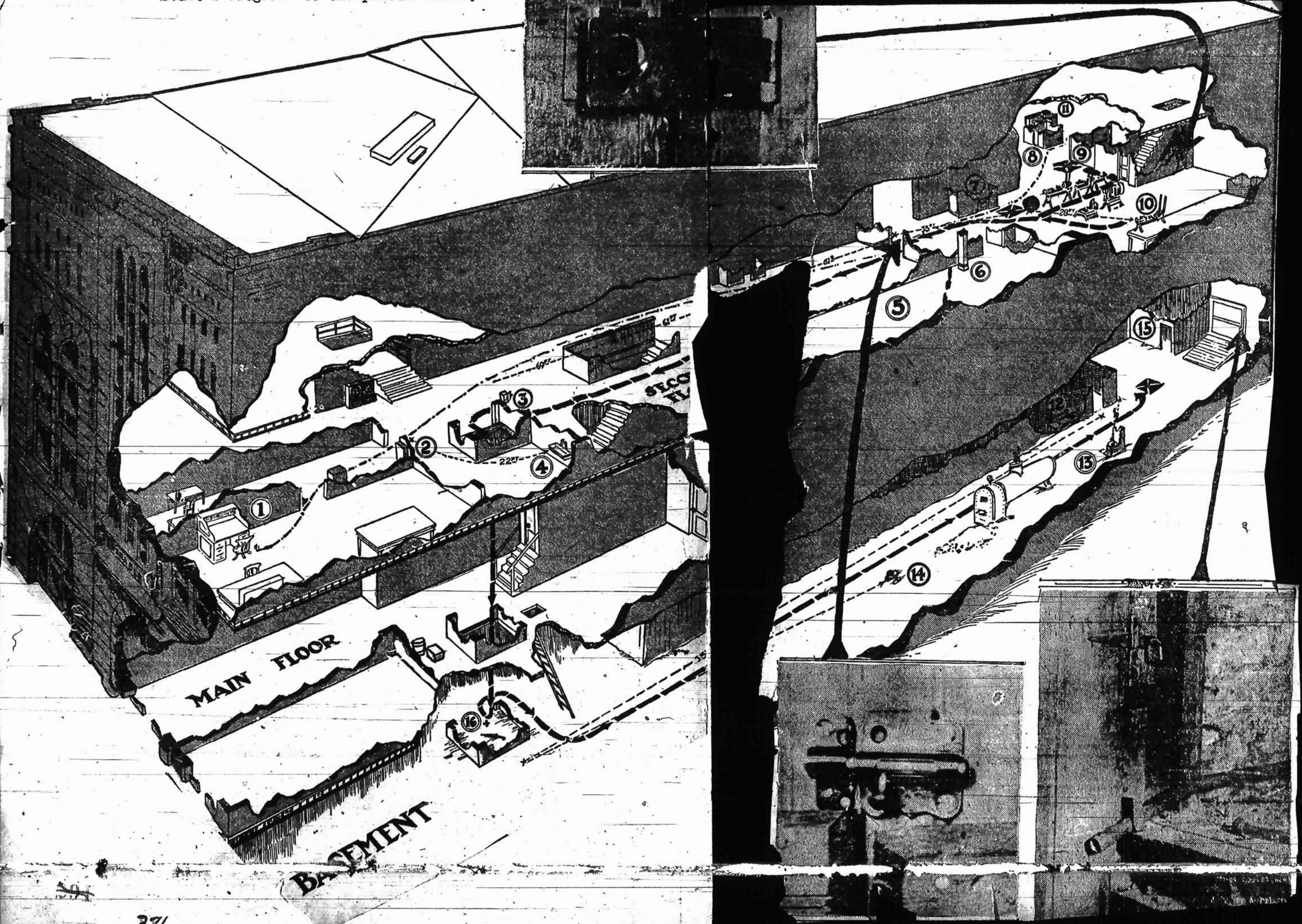
In reply to the statement of the boy that he saw me talking to Mary Phagan when she backed away from me, that is absolutely false, that never occurred. In reply to the two girls, Robinson and Hewell, that they saw me talking to the Mary Phagan and that I called her "Mary", I wish to say that they are mistaken. It is very possible that I have talked to the little girl in going through the factory and examining the work, but I never knew her name, either to call her "Mary Phagan", "Miss Phagan", or "Mary".

In reference to the statements of the two women who say that they saw me going into the dressing room with Miss Rebecca Carson, I wish to state that that is utterly false. It is a slander on the young lady, and I wish to state that as far as my knowledge of Miss Rebecca Carson goes, she is a lady of unblemished character.

DEFENDANT CLOSES.

STATE'S EXHIBIT A.

state's diagram of the pencil factory.



STATE'S EXHIBIT A.

state's diagram of the pencil factory.

DEFENSE BATT

PRISONER FRANK AND SHERIFF ON WAY FROM JAIL TO COURT

M. Frank,
on left,
and Sheriff
W. Mangum.



BK
PAT
WAS
ME



STATE'S EXHIBIT B.

Frank's statement made before N.A. Lanford, Chief of Detectives
On Monday morning, April 28, 1913, *this statement being unsigned*

"I am General Superintendent and Director of the National Pencil Company. In Atlanta I have held that position since Aug. 10, 1908. My place of business is at 37 to 41 So. Forsyth St. We have about 107 employees in that plant, male and female, I guess there are a few more girls than boys. Saturday, April 26th, was a holiday with our Company and the factory was shut down. There were several people who come in during the morning. The office boy and the stenographer were in the office with me until noon. They left about 12 or a little after. We have a day watchman there. He left shortly before 12 o'clock. After the office boy and the stenographer left, this little girl, Mary Phagan came in, but at the time I didn't know that was her name. She came in between 12:05 and 12:10, maybe 12:07, to get her pay envelope, her salary. I paid her and she went out of the office. I was in the inner office at my desk, the furthest office to the left from the main office. It was impossible to see the direction she went in when she left. My impression was that she just walked away. I didn't pay any particular attention. I didn't keep the door locked downstairs that morning because the mail was coming in. I locked it at 1:10 when I went to dinner. Arthur White and Harry Denham were also in the building. They were working on the machinery, doing repair work, working on the top floor of the building, which is the 4th floor, towards the rear or about the middle of the building, but a little more to the rear. They were tightening up the belts, they are not machinists, one is a foreman in one department and the other is an assistant in another, and Denham was assisting White, and Mrs. White, the wife of Arthur White, was also in the building. She left about 1 o'clock, I went up there and told them I was going to dinner and they had to get out, and they said they had not finished and I said how long will it take, and they said until some time in the afternoon, and then I said "Mrs. White you will have to go, for I am going to lock these boys in here." Anyone from the inside can open the outside door, but not the inside door, which I locked. You can go in the basement from the front through the trap door. No sir, they could get up the steps if I was out. I locked the outer door and the inner door. I got back at three o'clock, and maybe two or three minutes before, and I went to the office and took off my coat and then went upstairs to tell those boys I was back, and I couldn't find them at first, and they were back in the dipping room, in the rear, and I said "Are you ready" and they said "we are just ready" and I said "all right" ring out when you go down to let me know when you go out, and they rang out, and Arthur White come in the office and said "Mr. Frank loan me \$2.00" and I said "what's the matter, we just paid off" and he said "my wife robbed me", and I give him \$2.00 and he walked away, and the two of them walked out. I locked the outer door behind them. When I am in there is no need of locking the inner door. There was only one person I was looking for to come in, and that was the night watchman. He got there at 20 minutes to four. I had previously arranged for him to get there. On Friday night I told him, after he got his money. I give him the keys and I said "you had better come around early tomorrow because I may go to the ball game" and he come early, ~~and he come early~~ because of that fact; I told him to come early and he come 20 minutes to 4. I figured I could leave about 1 o'clock and would not come back, but it was so cold I didn't want to risk catching cold and I come back to the factory as I usually do. He come in and I said "Newt you are early" and he said "yes sir" and he had a bag of bananas with him and he offered me a banana; I didn't see them but he offered me one and I guess he had them. We have told him once he gets in that building...

I was going to be there. He come back about 4 minutes to six; the reason I know that, I was putting the clock slips in and the clock

was right in front of me. I said, "I will be ready in a minutes" and he went downstairs and I come to the office and put on my coat and hat and followed him and went out. When I went out, talking to Newt Lee was J.M.Gantt, a man I had fired about two weeks previpus. Newt told me he wanted to go up to get a pair of shoes he left while he was working there, and Gantt said to me, "~~xxxx~~ Newt don't want me to go up" and he said "you can go with me Mr.Frank" and I said "that's all right, go with him Newt" and I went on home, and I got home about 6:25. Nothing else happened; that's all I know. I don't know what time Gantt came down after he went up. I saw him go in and I locked the door after him, but I didn't try them. I telephoned Newt. I tried to telephone him when I got home, he punches the clock at half hour intervals, and the clock and the phone is in the office, and I didn't get an answer and at 7 o'clock I called him and asked him if Gantt got his shoe and he said yes, he got them, and I said is everything all right and he said yes, and the next thing I knew they called me at 7:30 the next morning. I don't know ~~whether~~ that our watchman has been in the habit of letting people in the factory at any time. I have never heard of it. I never had any trouble with the watchman about it. As to whether any of our employees go there at night, Gantt did when he was working there, he had a key and sometimes he would have some work left over. I never have seen him go out until I go out, I go out and come back, but he has come back before I left, but that is part of his duty. I took a bath Saturday night at my home. I changed my clothes. The clothes that I changed are at home, and this is the suit of clothes I was wearing Saturday. After I left the shop I went to Jacob's Pharmacy and bought a box of candy for my wife and got home about 6:25.

STATE'S EXHIBIT C.

Piece of cord found around Mary Phagan's neck, about size of a heavy twine, with a knot in it.

STATE'S EXHIBIT D.

Rag that was found around Mary Phagan's neck, *with blood on it.* white piece of cloth, soiled. Looked as if it was a piece torn off from petticoat.

STATE'S EXHIBIT E.

Four or five chips of wood, with red splotches on them, chipped up from the second floor of the National Pencil Company factory in front of ladies dressing room.

STATE'S EXHIBIT F.

Shirt found by detectives in trash barrel at Newt Lee's home. Shirt was very bloody, blood was on both sides of shirt *high up on the arm-pits on the inside.*

STATE'S EXHIBIT G.

Jar containing cabbage extracted from the stomach of Mary Phagan by Dr. Harris. Cabbage was not disintegrated, but was in a whole piece.

STATE'S EXHIBIT H.

Scratch pad that Conley wrote on at the ~~station of 1900~~
Ordinary white scratch pad.

STATE'S EXHIBIT I.

Portion of the signed statement of E.F. Holloway given to Solicitor H. M. Dersey:

"I don't know C.B. Dalton. I do know Daisy Hopkins. She worked at the factory not less than eight or ten months. I never did see any man go in the factory with Daisy Hopkins after the employees had gone on a Saturday. If they ever came there, they came after I left. I never did know of Daisy Hopkins or other girls going up in the factory on Saturday afternoon with any men....."

"This power box that run the elevator is kept locked all the time. I keep it locked. The key is kept in the office. I locked it Saturday. I put the key back in the office. I always lock it and unlock it. I didn't go to the factory on Sunday. The key was hanging on the same nail on Monday.

STATE'S EXHIBIT J.

Affidavit executed by Minola McKnight for Solicitor Dorsey,

as follows:-

"State of Georgia,
County of Fulton.

Personally appeared before me a Notary Public in and for the above state and county, Minola McKnight, who lives in the rear of 351 Pulliam St., Atlanta, Ga., who being duly sworn deposes and says:

On Saturday morning, April 26, 1913, Mr. Frank left home about eight o'clock, and Albert, my husband, was there Saturday too, Albert got there I guess about a quarter after one and he was there when Mr. Frank come for dinner, which was about half past one, but Mr. Frank did not eat any dinner, and he left in about ten minutes after he got there. Mr. Frank come back to the house at seven o'clock that night, and Albert was there when he got there. Albert had gone home that evening but he come back. I ~~did~~ don't know what time he got there, but he come sometime before Mr. Frank did, and Mr. Frank eat supper about seven o'clock, and when I left there that night about eight o'clock, I left Mr. Frank there.

Sunday morning I got there about eight o'clock, and there was an automobile standing in front of the house and I didn't pay any attention to it, I saw a man in the automobile get a pucket of water and pour into it. Mr. Frank's wife was downstairs and Mr. and Mrs. Selig were upstairs. Albert was there Sunday morning, but I don't remember what time he got there. I called them down to breakfast about half past eight and I found out that Mr. Frank was gone; Mr. and Mrs. Selig eat breakfast, but Mrs. Frank didn't eat until Mr. Frank come back and then they eat breakfast together. I didn't hear them say anything at the breakfast table. After dinner ~~xxxxxxx~~ ~~xxxxxxx~~ I understood them to say that a girl and Mr. Frank were caught at the office Saturday. I don't know ~~what~~ who said it, Miss Lucile (Mrs. Frank) and Mr. and Mrs. Selig and Mr. Frank were standing there talking, after dinner when they said it; I understood them to say it was a Jew girl.

On Tuesday Mr. Frank says to me, "It is a mighty bad Minola, I might have to go to jail about this girl and I don't know anything about it."

Sunday, Miss Lucile said to Mrs. Selig that Mr. Frank didn't rest so good Saturday night; she said he was drunk and wouldn't let her sleep with him, and she said she slept on the floor on the rug by the bed because Mr. Frank was drinking. Miss Lucile said Sunday that Mr. Frank told her Saturday night that he was in trouble, and that he didn't know the reason why he would murder, and he told his wife to get his pistol and let him kill himself. I heard Miss Lucile say that to Mrs. Selig, and it got away with Mrs. Selig mighty bad, she didn't know what to think. I haven't heard Miss Lucile say whether she believed it or not. I don't know why Mrs. Frank didn't come to see her husband, but it was a pretty good while before she would come to see him, maybe two weeks. She would tell me "Wasn't it mighty bad that he was locked up, she would say "Minola I don't know what I am going to do."

When I left home to go to the Solicitor General's office, they told me to mind how I talked. They pay me \$3.50 a week, but last week they paid me \$4., and one week she paid me \$6.50. Up to the time of the murder, ~~I was getting~~ I was getting \$3.50 a week and the week right after the murder, I don't remember how much she paid me, and the next week they paid me \$3.50, and the next week they paid me \$6.50, and the next week they paid me \$4. and the next week they paid me \$4. One week, I don't remember which one, Mrs. Selig gave me \$5. but it wasn't for my work, and they didn't understand that it was a tip for me to keep quiet. They would tell me to mind how I talked and Miss Lucile give me a hat.

Q. Is that the reason you didn't tell the Solicitor yesterday all about this, ~~and~~ that Miss Lucile and the others had told you

not to say anything about what happened at home there?

A. Yes sir.

Q. Is that true?

A. Yes sir.

Q. And that's the reason you would rather have been locked up last night than tell?

A. Yes sir.

Q. Has Mr. Pickett or Mr. Gravens or Mr. Campbell or myself influenced you in any way or threatened you in any way to make this statement?

A. No sir.

Q. You make it of your own free will and accord in their presence and in the presence of Mr. Gordon, your attorney?

A. Yes sir.

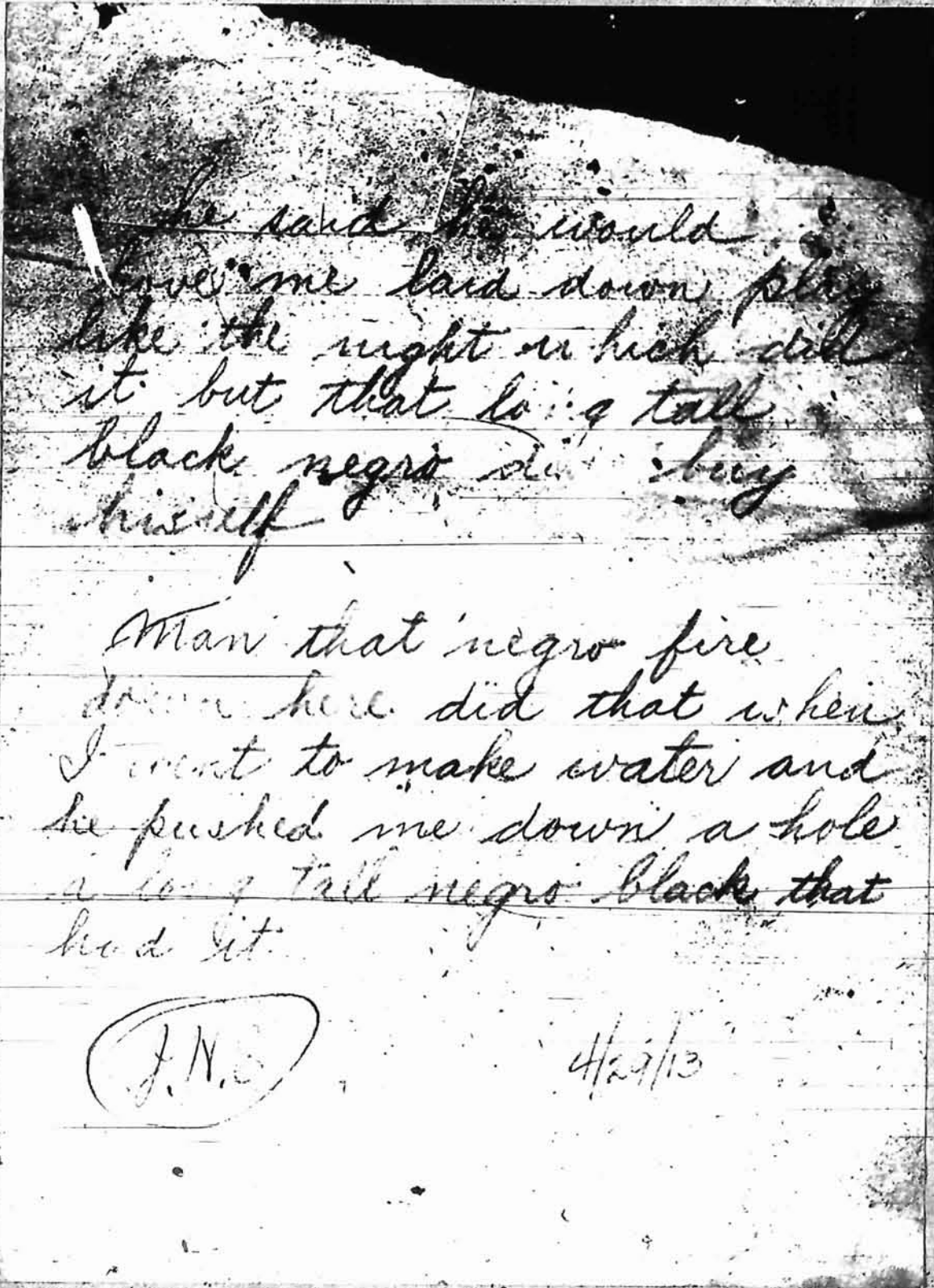
(Signed) Minola McKnight.

Sworn to and subscribed before me,
this 3rd day of June, 1913.

(Signed) G.C. February,
Notary Public, Fulton County, Ga.

STATE'S EXHIBIT K.

Specimen of Frank's handwriting made by Frank for the detectives at the police station.



he said he would
love me laid down
like the night on high did
it but that long talk
black negro did buy
himself

Man that negro fire
down here did that when
I went to make water and
he pushed me down a hole
a long tall negro black that
had it.

(J.N.C.)

4/29/13

STATE'S EXHIBIT L.

A small whip handle found by detective McWorth at the pencil factory.

STATE'S EXHIBIT M.

Clothes worn by Mary Phagan consisting of hat, hair ribbons (2), dress, corset with hose supporters attached, one broken, corset cover, knit undervest, underskirt, drawers, (right leg torn and soiled with blood), pair of silk garters, pair of hose, pair of low shoes, handkerchief, ~~parasol~~ parasol.

STATE'S EXHIBIT N.

Copy of the Minutes of the State Board of Health, found on pages 144-145 thereof, reading as follows:

"The President then addressed the Board at length on his reasons for thinking that the Secretary should be requested to resign, the subjects dealt with being too enormous and too lengthy to be included here in their entirety. After the President's address, the Board adjourned and reassembled again at four o'clock in the afternoon, at which time Dr. Harris's side of the controversy was heard."

~~"The President of the Board, Dr. Harris, then addressed the Board at length on his reasons for thinking that the Secretary should be requested to resign, the subject~~

"The Secretary not having been present at what transpired following this was not in a position to take note as to the proceeding, but was informed by members on adjournment that it was their wish that he should still continue as Secretary and Director of the laboratories."

"The President then made a short statement in support of his protest against the Secretary, and reiterated some of the charges made at the previous meeting, and in addition, made objection against the Secretary's action in sending out antitoxin No. 64, which had been shown by tests made in Washington to be of less potency than it was originally labelled, and also condemning the Secretary for replacing Dr. Paullin and personally taking up the investigation of the malarial epidemic around the pond of the Central Georgia Power Company. The President then stated that he would publish the charges against the Secretary if the Board did not take such action regarding them as he thought right and proper. At the conclusion of the President's address, a talk was made by Dr. Deughty, in which he took exception to the former's attitude, and insisted that every member of the Board wished to do what was best for the State Board of Health and the people of Georgia, and that every one connected with the Board of Health should be willing to bow to the decision of this body. He ~~deprecated~~ deprecated strongly the idea of giving to the press charges the publication of which would do no good, and which could only result in harm."

"On the President and Secretary being recalled an hour later, the President pro tem, Dr. Benedict, read the following resolution, which had been unanimously adopted by the Board on motion of Dr. Harbin, seconded by Dr. Brown:-- the resolution having been drawn by a committee appointed by the Board, consisting of Drs. Benedict,

~~Harbin and Deughty~~
"That the committee appointed to frame a resolution expressing the opinion of the Board with regard to the charges preferred

against the Secretary by the President of the Board in a report to the Governor, and upon which they are called upon to act, beg to report as follows:-

Resolved:- That the members of the Board present, after carefully considering the charges and all evidence in its possession, unanimously agree that while there have been certain slight irregularities in the conduct of some departments of the laboratories of the State Board of Health, which should be corrected, these irregularities have not been so important in character or result as to call for or warrant the discontinuance of Dr. Harris as Secretary and director of laboratories as demanded by the President. The Board further directs that a copy of this resolution be transmitted to the Governor."

STATE'S EXHIBIT O.

Telegram sent by Lee M. Frank.

"Atlanta, Ga. Apr. 28, 1913

Mr. Adolph Montag,
c/o Imperial Hotel, New York.

You may have read in Atlanta papers of factory girl found dead Sunday morning in cellar of pencil factory. Police will eventually solve it. Assure my uncle I am all right in case he asks. Our company has case well in hand.

Lee M. Frank."

STATE'S EXHIBIT P.

Time slip punched for Solicitor Dorsey by L. T. Kendrick:

1	5.01
2	5.30
3	6.00
4	6.29
5	6.58
6	7.38
7	8.01
8	8.29
9	9.00
10	9.30
11	10.00
12	10.30
13	10.58
14	
15	11.59
16	12.30
17	12.59
18	1.29
19	2.00
20	2.31
21	3.00
22	3.30
23	3.59
24	4.30
25	5.00
26	
27	
28	
29	
30	

STATE'S EXHIBIT Q.

Miss Hattie Hall's testimony before Coroner's inquest, as follows:-

"He (Mr. Frank) came to Montag's before I went to his office. I went to his office after he went back, somewhere between 10:30 and 11. I didn't notice the clock. As to whether I got any financial sheet on Monday, or not, I remember the previous Saturday I was at the pencil factory and I helped him make up the financial sheet. I filled in part of it. I suppose by that he must have got it up. I transferred some of the things to that sheet. Mr. Frank made up most of the work and I transferred some of the things to that sheet. I really don't remember whether it was morning or afternoon. It was morning. I don't work on Saturday afternoons. I don't remember that I was in the inner office with him at any time except when I was taking the letters. He was pretty quiet in there. I suppose he was at work."

STATE'S EXHIBIT R.

Accident report to the Insurance Company relative to Duffy's injury.

"Claim Division, Branch Office, The Travelers Insurance Company, 608-609 Fourth National Bank Building, Atlanta, Ga."

IMMEDIATE REPORT OF ACCIDENT.

Employee of National Pencil Company.
 Address, 37-41 S. Forsyth St. City, Atlanta, State, Ga.
 Date and hour of accident, Oct. 4th, 1912, 9:30 M.
 Date of this report Oct. 4th, 1912

INJURED PERSON. : Name, J.E. Duffy Address, 237 E. Fair St.
 : Age, 21 Occupation, Running eyelet machine,
 : Weekly wages, \$6.60 Married or Single? Married.
 : General duties? Running machine.

The MACHINE : What was it? A piece of brass on machine.
APPLIANCE, OR : In whose control at the time? His own self.
THING IMMEDIATELY CAUSING ACCIDENT : Was it sound and in good working order? Yes.

PLACE OF ACCIDENT. : Room or Dept. #18 A. No. Street City or Town

CONTRIBUTING CAUSES : Carelessness of injured person? NO. Violation or
 : Negligence of fellow workman? NO rules? NO

THE ACCIDENT : Description, said party was putting a roll of brass
 : on his machine. This brass is very sharp, and same
 : cut into flesh, nearly to the bone.
 : Name and addresses of witnesses: L.A. Irwin, Foreman
 : Charlie Lee, ~~Saxkin~~ machinist.

The INJURY : Nature and extent, Very painful cut to the bone, not
 : serious if this brass does not cause poison to set in.
 : Was surgical aid rendered? Yes. When? At once.
 : By whom? Dr. Hancock Where? Atlanta Hospital.

H.G. Schiff,
 Employer.

STATE'S EXHIBIT S.

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

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

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

STATE'S EXHIBIT R.

Court papers with reference to the police records of Jim Conley, being seven in number.

Jas. Connally,	Disorderly Conduct,	Fined 1.75	7/22/04-	Paid
"	"	same	" 15.75	10/15/07- Paid
Jim	"	same	1.75	7/18/05 U.G.B.
James	"	same	10.75	12/11/1907, G.G.B.
James	"	same	3.75	11/14/1906-Paid
Jimmie	"	same	3.75	3/5/1906 Paid
James	"	same	Sentenced 30 days 9/10/1912	

STATE'S EXHIBIT U.

Pay envelope found by Barrett under his machine on the second floor of the factory. Ordinary pay envelope used by factory officers in paying off employees.

STATE'S EXHIBIT V.

Portion of the testimony of Emil Selig before Coroner's inquest as follows:-

"As to who else was present, my wife and his wife. They went to the opera before, probably, dinner was over, before he and I left. I stayed in the house. There was no one else there when he got there except me and my wife and him and his wife. The servant was there also. I am speaking about dinner time. I laid down a little while after dinner. I am sure about that. It was directly after dinner

room. The telephone is in the dining room. Mr. Frank stayed quite a little while at dinner. I don't know exactly how long he

stayed. No, he didn't leave before I up. Yes, I took a nap. He came a little after one and we ate dinner and I laid down and took a considerable nap."

STATE'S EXHIBIT W.

Portion of testimony of Mrs. Josephine Selig before the Coroner's inquest, as follows:-

"As to what he (Mr. Frank) said about this affair, I don't know if he made any reference to it. She (Mrs. Frank) had told me. I don't remember that he said anything at all about this crime. He probably spoke of it in a general way. He is superintendent of the pencil factory. I think I would have remembered such a remark if he had made it. He said that there was a little girl found ~~xxxxxx~~ dead in the pencil factory that day. I didn't ask what her name was. I don't know that I asked any question at all, because I never really thought that it had any bearing on anything that I was interested in. It was not of interest to me. Naturally he would be concerned about it. I think he did seem unconcerned about it. I don't think he seemed to attach any great importance to it. I don't think he had anything to say about getting anybody to see what was the matter, or see who did it. I don't know what was the occasion of the first remark that Mr. Frank made about the thing. I suppose he had been there only a few minutes. Yes, he spoke about it before dinner. He mentioned the fact that a woman had been found down there. He mentioned that just casually. He didn't remark about the ~~xxxxxx~~ youth of the child or about the brutality of the crime, or describe any of the wounds, or wonder who was suspected, or give any theory as to how it happened. I don't think he expressed any anxiety or curiosity, or advance any theory as to how the thing had happened. He read the paper. There was no article about that in the paper. I cannot say that he dwelt on any article. Yes, he read the paper just as steadily and studiously as the night before. I don't think he made any difference at all. He did not seem to be a bit impressed on account of the thing having happened in the pencil factory.

~~STATE'S EXHIBIT W.~~

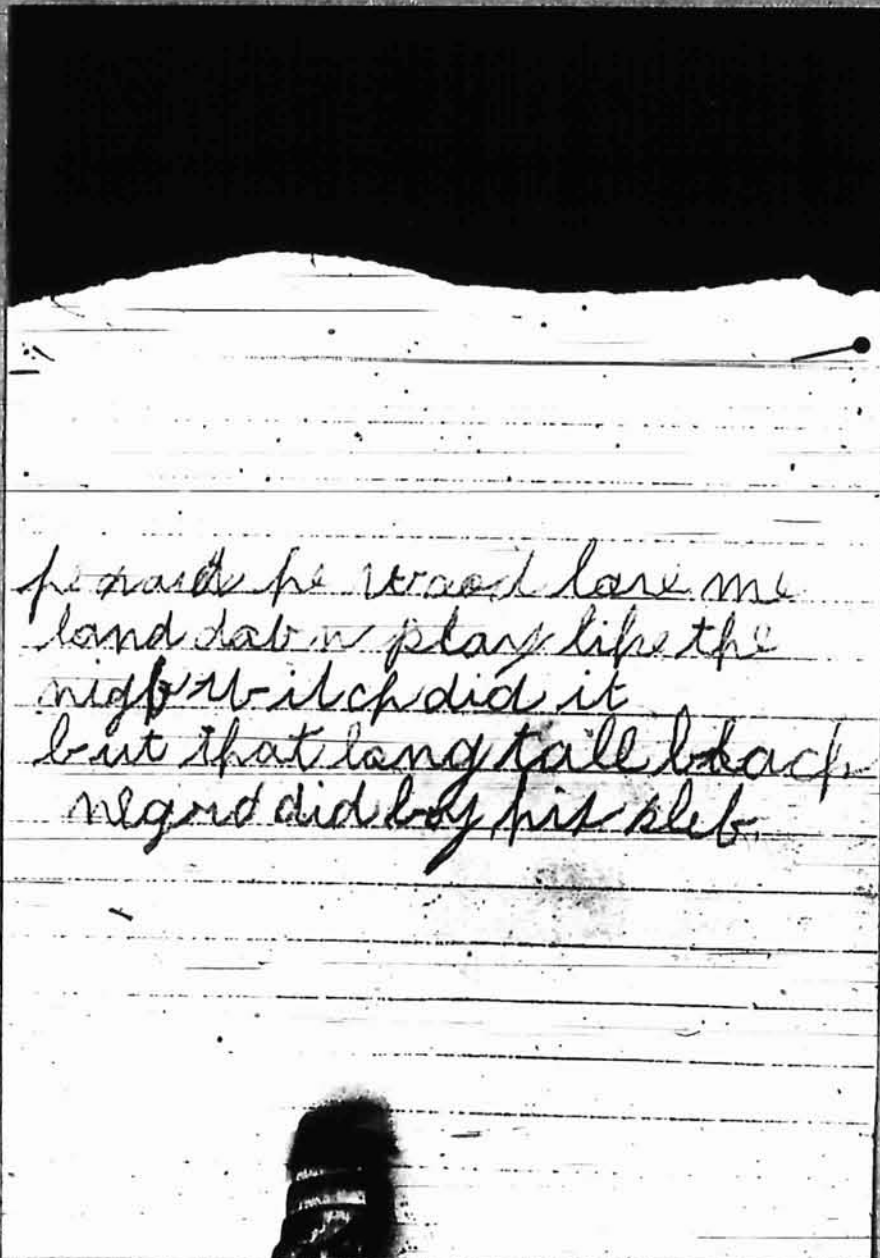
~~Note found by policemen by the side of the body of Mary Phagan written on white paper.~~

~~STATE'S EXHIBIT X~~

~~Note found by policeman by the side of the body of Mary Phagan, written on yellow paper.~~

STATE'S EXHIBIT N.

Note found by policemen in sawdust beside body of Mary Phagan,
written on white paper.



(He said he would love me, laid down play like the night
negro did it but that long tall black negro did buy hisself.)

STATE'S EXHIBIT 2.

Note found by policemen in sawdust by side of the body of Mary Phagan, written on yellow paper.

ona. ench Co.
 37 & 39 SOUTH FORSYTH ST.
 ATLANTA, GA., _____ 190_____
 PUT THIS ORDER NUMBER ON YOUR BILL.
 Bell Phone Main 171. Order No. 1118

Mam that negro
fire down here did
that when I went to make
water and he pushed me
down a hole a long tall
negro black that did
had it right while play
with me.

(Mam that negro fire down here did ^{this} that when I went to make water and he pushed me down a hole a long tall negro black that did had it right while play with me.)

vis

DUPEN VAN... EXPLIET I.

Time slip, dated April 28, taken out of clock by Frank.

For slips not obtained at our office,
we decline responsibility.
Dey Time Register Co., Endicott, N. Y.

Solicitor Dorsey stated
in open court that he
had made the erasure
noted on this time slip,
supposing it to have
been put there by the
detectives, the word
erased "being" taken out
at, 8:26 A.M."

101	601
102	632
103	700
104	732
105	800
106	831
107	906
108	932
109	1029
110	1104
111	1202
112	127
113	135
114	203
115	301
116	330
117	
118	
119	
120	
121	
122	
123	
124	
125	
126	
127	
128	
129	
130	
131	
132	
133	
134	
135	
136	
137	
138	
139	
140	
141	
142	
143	
144	
145	
146	
147	
148	
149	
150	
151	
152	
153	
154	
155	
156	
157	
158	
159	
160	
161	
162	
163	
164	
165	
166	
167	
168	
169	
170	
171	
172	
173	
174	
175	
176	
177	
178	
179	
180	
181	
182	
183	
184	
185	
186	
187	
188	
189	
190	
191	
192	
193	
194	
195	
196	
197	
198	
199	
200	

Erasure here

385

DATE APR 28 1913

DEPENDENT'S EXHIBIT 4a

Packing room reports, being part of data for financial.

Form 003-3M-8-28-12

Form 003-3M-8-28-12

NATIONAL PENCIL CO.,
ATLANTA, GA.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

DAILY REPORT

Monday

Tuesday

Dept. <i>Packing</i>	Dept. No. 13
264-55 <i>Clifford</i>	46
383-37 <i>Trumps</i>	52 1/2
385-25 "	1
#1 <i>Asst</i>	6
	<u>105 1/2</u>
939-20 <i>S. Wash.</i>	121
688-40 <i>J. Monroe</i>	7
	<u>128</u>
315-10 <i>P. Cedar</i>	16
med	10 5/2
Good	136 1/2

Dept. <i>Packing</i>	Dept. No. 13
86-510 <i>Paffard #2</i>	46
97-420 <i>Security #2</i>	29
271-950 <i>Senior</i>	27
199-910 <i>N. Emblem</i>	18
116-210 <i>Bowers Brog</i>	5
	<u>119</u>
264-55 <i>Oxford</i>	83
150 <i>Mystic N.T.</i>	1
155 " <i>N.T.</i>	4
	<u>88</u>

Date *4/21/13* Signed *Eula*
Form 003-3M-8-28-12

Date *4/22/13* Signed *Eula*
Form 003-3M-8-28-12

NATIONAL PENCIL CO.,
ATLANTA, GA.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

DAILY REPORT

Wednesday

Wednesday

Dept. <i>Packing</i>	Dept. No. 13
86-510 <i>Paffard #2</i>	5
294-7.0 <i>Bell See Dingle</i>	8
199-910 <i>N. Emblem</i>	24
271-950 <i>Senior</i>	25
90-210 <i>Cadillac #2</i>	31 1/2
71-630 <i>Worth 2752</i>	28 1/2
	<u>122</u>

Dept. <i>Packing</i>	Dept. No. 13
264-55 - <i>Oxford</i>	98 1/2
-120 <i>Byadaway</i>	5
34-45 <i>Trumps</i>	16
#110 <i>Asst Fort Smith</i>	25
	<u>144</u>
939-20 <i>S. Wash</i>	78
688-40 <i>J. Monroe</i>	3
	<u>81</u>
	144
	<u>122</u>

Date *4/23/13* Signed *Eula*

Date *4/23/13* Signed *Eula*

18 " 22.50
10 gross 25.00
46 70.00

37x
930 x O.K. (signed) Eula

347

DEFENDANT'S EXHIBIT 4a (cont'd)

Form 003-3M-8-28-12.

Form 003-3M-8-28-12.

NATIONAL PENCIL CO.,
ATLANTA, GA.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

DAILY REPORT

Dept. Packing Dept. No. 13
 725 N. Coffey
 91-210 Cadillac #3 35 1/2
 87-510 Packard #3 2
 199-910 N. Emblem 60 1/2
 62-660 University School 52 1/2
 117-450 Lampy #2 N.T. 1
 326-210 Rheo #2 2 1/2
 #1920 Aest. Nat. Flyer 2 1/2
156 1/2

Dept. Packing Dept. No. 13
 291-950 Kenico
 91-210 Cadillac #3 3 1/2
 199-910 N. Emblem 3
 116-210 Bowers Bragg #2 6
 - 760 N. Emblem #2 1
 264-55 Oxford good
 378-155 Mystic 66
 939-20 L. Wash 99 1/2
 415-10 P. Cedar 165 1/2
 good 31

Date 4/18/13 Signed Eula

Date 4/19/13 Signed Eula

Form 003-3M-8-28-12.

Form 003-3M-8-28-12.

NATIONAL PENCIL CO.,
ATLANTA, GA.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

DAILY REPORT

Dept. Packing Dept. No. 13
 397-430 Sitting Bull 12 1/2
 86-510 Packard #2 34 1/2
 91-210 Cadillac #3 6
 116-210 Bowers Bragg 29 1/2
 120-210 Rheo #2 N.T. 6
 291-950 Kenico 32 1/2
 97-420 Surety #2 9 1/2
 #1920 Aest. N. Flyer 6
136 1/2

Dept. Packing Dept. No. 13
 939-20 L. Wash. 94
 688-40 Monroe 11
105
 R.J.
 Med 89
 Good 119
313

DEFENDANT'S EXHIBIT 4a (cont'd)

Form 003-3M-8-28-12.

Form 003-3M-8-28-12.

NATIONAL PENCIL CO.,
ATLANTA, GA.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

DAILY REPORT

Dept. Packing Dept. No. 13
 90-210 Cadillac #2 6 1/2
 91-210 " #3 2 1/2
 116-210 Borrero Bag 15 1/2
 271-950 Glenies 71
 274-470 Thoroughbred 43
 #15 Asst Primary Cards 15
 153
 34-45 Trumps 36
 Asst #4 S. Barzani Basep. 50
 #50 Smithwell #115 50
 136

Dept. Packing Dept. No. 13
 939-20 Wash. 34
 688-40 Jmmrve. 20
 54
 R.J. 54
 med 136
 Hood 153
 343

Date 4/24/13 Signed Eula

Date 4/24/13 Signed Eula

DEFENDANT'S EXHIBIT 4b

Job department reports, being part of data for financial

Form 003-3M-8-28-12.

Form 003-3M-8-28-12.

NATIONAL PENCIL CO.,
ATLANTA, GA.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

DAILY REPORT

Dept. Job Dept. No. 22
 504 - Pol see 59
 090 - " " 20
 506 - " 50 10
 30 " 30 12
 90 " see 10
 195 " 50 133
 72 " see 30
 274

Dept. Job Dept. No. 22
 504 - Pol see - 12
 30 - " 30 - 69
 72 " see 111
 111 " " 25
 112 " " 3
 90 " " 3
 506 " " 8
 70 " " 16
 75 " " 3
 250

Date 4/21/13 Signed Jannice A

Date 4/23/13 Signed P. J. A

DEPENDANT'S EXHIBIT 4b (cont'd)

Form 003-3M-8-28-12.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

Dept. *fol* Dept. No. *22*
1111 Pol see 19
74 " " 28
090 " " 13
506 " " 11
30 " 30 97
75 " see 10
70 " " 22
504 " " 16
216

Form 003-3M-8-28-12.

NATIONAL PENCIL CO.,
ATLANTA, GA.

DAILY REPORT

Dept. *fol* Dept. No. *22*
900 Pol see 3
114 " " 1
095 " 80 47
51
216
267

Date *4/24/13* Signed *Linnell A*

Date *4/24/13* Signed *Linnell A*

DEPENDANT'S EXHIBIT 4c

Daily report of lead deliveries from lead plant, part of data for financial.

1 Box 3992	910/72	127 Gross
2 " 3993	"	247 "
2 " 3994	"	254 "
2 " 3995	"	254 "
2 " 3996	2	163
		<u>1045 gross</u>
9 Box		
8 box 3884 3863	940/73	260 "
2 " 3883 3910	950/73	197
3 " 3911		335
5 " 3912		292
		<u>2192 Gross</u>
19 Box		
2 " 3976	852/7	260 "
4 " 3978	852/7	347
4 " 3979	"	347
		<u>3787 Gross</u>
29 Box		
4 box 3980	852/7	352 "
4 " 3981		352
		<u>704 gross</u>

(Signed) G. Weinkauff

Apr/21, 1913

391

DEFENDANT'S EXHIBIT "4D".

Report of tip deliveries from tip plant, being part of data
for financial:

"Weekly report of Metal Dept. #18

April 24, 1913.

Large eyelet Mach.	204
Small " "	440
Trimming "	644
Knurling "	855

Tips delivered

#6	830
#10	448
#12-Redipped	35
#17	64

1,377

(Signed) L.A. Quinn

DEFENDANT'S EXHIBIT 5.

Message (of orders) sheet, being a complete record (beginning with the week ending Jan. 16, 1913) of the number of ordered received each week, classified as to price under different headings, said number being totaled at the end of each week and the average price ascertained. The following is a record of orders for the factory month of April, 1913:

Day	Week	WEEK ENDING 4/21/13						WEEK ENDING 4/10/13						
		60cts	70cts	80cts	90cts	1.00	1.25	60cts	70cts	80cts	90cts	1.00	1.25	
Friday	28	159	413	307	117	45	105 1/2	33	162	780	512	53	51 1/2	
Saturday	29	3	28	30	2	6	5	5	31	19	38 1/2	12	47	16
Monday	31	5	258	8	7 1/2	126	35	7	106	101	188	118	154 1/2	86
Tuesday	1	10	17	47	14	78	15 1/2	8	10	30	48	10	67	74
Wednesday	2	12	165	132 1/2	7	122	30 1/2	9	5	-	2	8	4	2
Thursday	3	24	154	621	6 1/2	70	15	10	15	156	232	28	90	67 1/2
Total Gr.		213	1035	1218 1/2	154	855	206 1/2		200	468	788 1/2	696	325 1/2	286 1/2
Price per gr.		.60	.80	1.25	1.75	2.50	3.00		.60	.80	1.25	1.75	2.50	3.00
Total value		127.80	828.00	1523.13	269.50	2137.50	619.50		120.00	374.40	985.62	1208.00	823.75	889.50
		855.43		3682.90		1.50 av.			842.27		277.47		1.60 av.	

Day	Week	WEEK ENDING 4/17/13						WEEK ENDING 4/24/13						
		60cts	70cts	80cts	90cts	1.00	1.25	60cts	70cts	80cts	90cts	1.00	1.25	
Friday	11	-	-	-	-	-	-	18	9	103	65	9 1/2	122	95
Saturday	12	-	-	-	-	250	5	19	-	26	81	13	52 1/2	16
Monday	14	6	104	9	5	26	10	21	53	118	79 1/2	20	83	17
Tuesday	15	5	11	30	8	26	1	22	28	205	115	101	9 1/2	153 1/2
Wednesday	16	10	10	7	4	14	6	23	15	5	28	5	16 1/2	-
Thursday	17	55	173	276	217 1/2	365	198 1/2	24	10	29	11	-	110	100
Total gr.		76	298	322	234 1/2	681	220 1/2		115	486	379 1/2	148 1/2	393 1/2	381 1/2
Price per gr.		.60	.80	1.25	1.75	2.50	3.00		.60	.80	1.25	1.75	2.50	3.00
Total value		45.60	238.40	402.50	410.38	1702.50	661.50		69.00	388.80	473.82	259.88	983.75	1144.50
		1832.90		83460.88		1.89 av.			83320.31		1404.90		1.70 av.	

DEPENDANT'S EXHIBIT 6.

Value of shipments for week ending April 24, being part of data for financial.

SHIPMENTS WEEK ENDING 4/24/13

		(	11.35	
		(	38.37	
		(	27.00	
		(	23.40	
		(	40.00	
	18th	)	124.80	
		(	14.20	
		(	38.82	
		(	23.39	
		(	17.50	
		(	14.66	
		(	27.00	
Apr. 18	400.75			
	84			
" 19	882.00	(	10.90	
" 21	1146.06	(	8.90	
" 22	1457.95	(	107.50	
" 23	706.63	19th	)	14.86
" 24	1245.57	(	14.92	
	<u>5438.78</u>	(	73.04	
		(	43.90	
		(	21.25	
		(	135.10	
		(	51.63	
		(	69.55	
		(	24.34	
		(	114.00	
		21st	)	29.39
		20th	)	17.84
		(	15.07	
		(	75.99	
		(	13.70	
		(	740.55	
		(	33.25	
		(	12.60	
		(	12.00	
		(	16.67	
		22nd	)	10.00
		(	13.70	
		(	138/30	
		(	1267.28	
		(	183.70	(204.32
		(	13.04	(644.40
		(	23.95	(145.00
		(	29.45	(63.33
		(	29.18 (24th)	28.00
		(	28.80	(27.75
		23rd	)	260.00 (13.48
		(	20.00	(119.29
		(	23.04	
		(	18.49	
		(	14.13	
		(	30.00	
		(	27.70	
		(	5.13	

April 17 - 1913

FACTORY RECORD

NATIONAL PENCIL CO., Atlanta, Ga.

PENCIL STOCK

Week Ending

DATE	10 EX	20 EX	30 EX	40 EX	<i>John</i>	135 X	120 X	130 X	120 EX SPL	35 X 37 X	45 X 55 X	140 X	155 NTP	157 X NTP	160 X	170 X	180 X	1002	1013	910 X	230 X	500 X	330 X	630 X	640 X	210 X	660 X	220 X	210 X SPL	660 X SPL	150 X	155 X SPL	260 X SPL	920 X	930 X	620 X	TOTAL			
April 11		204				28				14	46	13 1/2													6 1/2															
12		32				65					64	40																												
14		19		21		42					61	36												13		8														
15		53									13																													
16				35	X	3																																		
17	100	10		38	574		10		10		4			7 1/2						8																				
TOTAL	100	318		94	734	138	10		24	61	163	53 1/2	7 1/2						47				38 1/2		14 1/2			29 1/2	45											
April 18		17	58	18						25										60									35	52 1/2										
19		53	69							66			99 1/2							3									9 1/2											
21		16	121	7	274					53 1/2	46									18								35 1/2												
22			94	11						83 1/2			4 1/2	1						24								5												
23			78	3				5		114 1/2																			31 1/2											
24		34		20	517					36																	24										15			
TOTAL	86	454		59	791				5	53 1/2	271		104	1					105						2 1/2			140 1/2	52 1/2							15				
In Stock End Last Week																																								
Made This Week																																								
TOTAL																																								
Shipped This Week																																								
In Stock End This Week																																								

DEFENDANT'S EXHIBIT 7

Three pencil sheets (the last two lines of which are in Frank's handwriting), part of data for financial sheet.

Pencil Cards
\$2.25