

TRIAL OF LEO M. FRANK ON CHARGE OF MURDER BEGINS; MRS. COLEMAN, GEORGE EPPS AND NEWT LEE ON STAND

BATTLE FOR AN HONEST ASSESSMENT OF TAXES BEGINS IN HOUSE TODAY

WATCHMAN TELLS OF FINDING BODY OF MARY PHAGAN

Trial Adjourns for the Day While Lee Is on the Stand, and His Cross-Questioning Will Be Resumed Today.

MOTHER AND THE WIFE OF PRISONER CHEER HIM BY PRESENCE AT TRIAL

Jury Is Quickly Secured and Mrs. Coleman, Mother of the Murdered Girl, Is First Witness to Take Stand.

With a swiftness which was gratifying to counsel for the defense, the solicitor general and a large crowd of interested spectators, the trial of Leo M. Frank, charged with the murder of Mary Phagan, on April 26, in the building of the National Pencil factory, was gotten under way Monday.

When the hour of adjournment for the day had arrived, the jury had been selected and three witnesses had been examined. Newt Lee, the nightwatchman who discovered the dead body of Mary Phagan in the basement of the National Pencil factory, and who gave the first news of the crime to the police, was still on the stand, undergoing a rigid cross-examination by Luther Z. Rosser, attorney for Frank.

Lee Sticks To First Story.

When the trial resumed this morning, Newt Lee will again be placed on the stand. It is not expected that anything new will be adduced from his testimony. Throughout the grueling cross-examination of Mr. Rosser Monday afternoon Lee stuck to his original story in minutest detail.

Questions that would have confounded or befuddled a man of education failed to budge him from the statement he originally made to the police, and has repeated from time to time to reporters and court officials.

The first day's proceedings of the Frank trial proved singularly free of the dramatic element or the unexpected in testimony.

There were touches of the pathetic, as, for example, when Mrs. J. W. Coleman, mother of the dead child, broke down and cried bitterly when she viewed the clothing of her little daughter; and there were touches of humor when the little Epps boy, who had ridden to town with Mary Phagan on the day of her murder, explained to Luther Rosser his method of telling the time of day by the sun, and of Newt Lee, who amused the courtroom by his quaint allusions and his negro descriptions of a tiny light in the basement of the pencil factory, which he likened to the gleam of a lightning bug, and of his quick retort when Mr. Rosser purposely spoke of this insect as a June bug.

"I didn't say June bug—I said lightning bug," contradicted Newt. Careful Attention To Detail.

This brief excerpt is given as follows:

Continued on Page Two.

HELP WANTED MALE

YOUNG MAN STENOGRAPHER—Please one that knows something about bookkeeping; salary to begin \$60 per month. If you make good, salary \$75 next April. Address Manufacturer, Box 100.

But you'll have to read the classified columns to find the address. Go to it now, before the other fellow gets head of you.

You don't have to be a bookkeeper or a stenographer to get a job. So long as you can do one thing that the world wants done, and do it well, you're all right—if you put a want ad to work in The Constitution.

The business men of Atlanta read the Constitution every morning. When they need help, they read the classified pages. They know the ads to be paid for, and they know that time and money would not be spent on them unless they were worth while.

You Can't Get Something for Nothing

Scene in Courtroom While Newt Lee Was Delivering His Testimony



Photo by Francis B. Price, Staff Photographer. Directly in front of Judge Roan is seen Leo M. Frank, next to him is his wife, on one side and his mother, the latter nearer to Judge Roan, and Luther Rosser, Reuben Arnold and Luther Rosser, Jr., of counsel for the defense. Solicitor General Hugh Dorsey is standing to the rear of the table in front of the judge's stand. Behind him are Chief of Detectives Newport Langford, Detective Pat Campbell, Attorney Frank Hooper and others interested in the prosecution. Members of the jury are seated to the right of Judge Roan. In the foreground is the press table, where a score or more newspaper reporters were busy during the day taking notes on the trial.

JURY SELECTED TO TRY FRANK.

C. J. Basshart, age 26, single, pressman, resides 216 Bryan street.
A. H. Henslee, age 36, married, head salesman Franklin Buggy company of Barnesville; resides 74 Oak street.
J. F. Higdon, age 42, married, building contractor, resides 108 Orme-wood avenue.
W. M. Jeffries, age 33, married, real estate, resides Bolton, Ga.
M. Johnning, age 46, married, shipping clerk, resides 161 Jones street.
W. F. Medcalf, age 30, married, miller, resides 136 Kirkwood avenue.
J. T. Ozburn, age 36, married, optician, resides 39 Ashby street.
Frederick Van L. Smith, age 37, married, electrical manufacturing agent, resides 481 Cherokee avenue.
D. Townsend, age 23, married, paying teller, resides 17 East Linden street.
F. E. Winburn, age 39, married, claim agent Atlanta and West Point railroad, resides 213 Lucile avenue.
A. L. Wisbey, age 43, married, cashier, resides 31 Hood street.
M. S. Woodward, age 34, married, cashier King Hardware company, resides 182 Park avenue.
Married, 11; single, 1; youngest, 23; oldest, 46; average age, 35 years and 5 months; quartered at Kimball house, in charge of Balliffs Charles F. Huber and F. A. Pennington.

DORSEY SATISFIED.

This was Solicitor General Hugh M. Dorsey's statement made last night. "Results obtained during Monday exceeded even the state's hopeful expectations. Progress was highly satisfactory, and the results achieved predict continued success throughout the case. We have always felt confident of victory, but now feel absolutely assured."

DEFENSE IS PLEADED.

This statement was made last night to a Constitution reporter by Attorney Reuben R. Arnold, associate counsel for the defense. "I am decidedly pleased with the first day's progress. The defense feels that great headway has been made toward victory. We feel assured that the success we experienced Monday will continue throughout the trial."

MINCEY, ON ARRIVAL REAFFIRMS AFFIDAVIT

W. H. Mincey, who made the famous affidavit in which he declared that Jim Conley had told him on April 26 that he had killed a girl, arrived late last night for the Frank trial. In a statement made to The Constitution, Mr. Mincey reaffirmed his affidavit in its entirety and declared that he would tell this story on the witness stand. He was accompanied by Colonel Ben E. Neal, of Birmingham, Ga., a lawyer who has known him for years and who states that he will testify as to Mincey's mental condition at the time he made the affidavit.

BURGLARS TRY TO ENTER HOME OF FRANK JUROR

But F. V. L. Smith's Wife Calls Police and Intruders Flee.

Two big, burly, black negroes who evidently had taken a decided interest in the Frank murder trial, and knew that F. V. L. Smith, of 481 Cherokee avenue, had been chosen for the jury yesterday and would not be home last night, attempted to enter his home. No one was there but Mrs. Smith and her little 4-weeks' old child. Seeing the negroes on the porch, she made a step toward them, and they turned, with a few minutes they returned, and instead of fainting as most women would have done, she coolly walked to the phone and called the police station.

BODY OF DEAD FIREMAN IS BURIED IN COLOMBUS

Columbus, Ga., July 28.—(Special.) The body of Will Harrison, 23 years of age, a Georgia railroad fireman, who was killed yesterday at Kellyton, Ala., 10 miles from Columbus, when his freight engine turned over, was brought to Columbus this afternoon and carried to his home in Phenix City, Ala. Two negroes riding on the engine at the time were badly scalded. Harrison was 28 years old, and in

ENGINEER SLAIN IN ROUNDHOUSE

Sam Jackson Shot and Almost Instantly Killed by W. D. Partee on Monday Afternoon.

Sam Jackson, aged 40, a locomotive engineer on the Georgia railroad, was shot and almost instantly killed yesterday afternoon by W. D. Partee, also an engineer, in the local roundhouse of the railroad.

LOSS OF \$400,000,000 FEARED ON COTTON CROP

New Orleans Cotton Exchange Sees Disaster in Tax on Cotton Futures.

New Orleans, July 28.—Declaring that if the Clarke "riders" to the proposed tariff bill become a law, the effect of changed conditions because of the absence of hedging "may cost on the coming crop anywhere from \$100,000,000 to \$400,000,000," the New Orleans Cotton Exchange today issued an official statement warning that the Clarke "riders" would mean a tax of one-third of the price of cotton on contracts which have been entered into by buyers and sellers of cotton futures.

President Wilson Finds That He and Ambassador Differ Radically in Regard to the Mexican Situation.

RECOGNITION OF HUERTA URGED BY AMBASSADOR

But President Wilson Won't Agree to Recognize Madero's Murderer—Mexicans Moving to Have Huerta Resign.

BOMB FROM AEROPLANE TEARS HUERTA WARSHIP

Nogales, Ariz., July 28.—The Mexican federal gunboat Tampico was destroyed today by a bomb dropped from an aeroplane over Guaymas harbor, declares an official insurgent message. It was said that Aviator Didier Masson made three flights over the harbor before he succeeded in hitting the boat.

Washington, July 28.—Ambassador Henry Lane Wilson, summoned from Mexico City to inform the Washington administration of conditions in the rebellion, today, after an hour with President Wilson and Secretary Bryan, today, submitting chiefly a recommendation that the United States use its influence to stabilize the Huerta regime.

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Governor's Message Taken to Indicate Veto of Appropriation Bill Should Equalization Fail.

DEFEAT OF MEASURE MIGHT NECESSITATE EXTRA SESSION CALL

Speaker Burwell Will Probably Take Floor Himself to Lead the Debate for State Board.

Upon the result of this battle for tax equalization, which will begin to be fought out on the floor of the house today, it is considered not unlikely that the calling or not calling of an extraordinary session of the general assembly by the governor this year will depend.

In a special message which Governor Slaton sent to the legislature yesterday he called attention to the fact that the general appropriation bill passed by the house last week for the year 1914 is \$280,629 in excess of the estimated revenue for the current year.

The governor has had Comptroller General Wright to calculate the amount of the appropriation bill, and he finds it to be \$5,953,634. The comptroller's estimate of the total revenue of the state for this year is \$5,973,005.

Must Provide Money to Pay.

This is taken as a strongly indicating that the governor will not sign the appropriation bill unless the legislature, at the same time that it passes that measure to him, will have provided a means of raising the revenue with which to meet it.

While it is true that several of the bills amendatory of the general tax act are calculated to make some increase in the revenue by increases in and additions to the items of special taxation, there is a strong feeling in which there is every indication that the governor shares, that only a courageous and effective measure of tax equalization will save the state from the financial crisis which now threatens it.

If such a measure as the Lipscomb bill amended, known as house bill No. 6, is enacted into law, it is believed that ample revenue will be provided to meet the necessary obligations of the state. If not, the probabilities are strong that the governor will find himself compelled to veto the appropriation bill, and he may summon the legislature in extra session to provide another, and also to provide the means with which to pay.

Equalization the Remedy.

That the remedy for the present situation clearly lies in the provision of additional revenue rather than in reducing the appropriation bill is indicated by the fact that, under the capable management of Chairman Wheatley, the committee on appropriations had already cut out the several items of expense to what is regarded as the lowest possible amount. Any further reduction, except in one or two items, would result in a partial paralysis of the state institutions and in damage that it might take years to recover from.

Another ominous fact to which the

Continued on Page Seven.

Weather Prophecy LOCAL THUNDER SHOWERS

Georgia—Local thunder showers Tuesday and Wednesday.

Local Report

Lowest temperature	.....	70
Highest temperature	.....	79
Mean temperature	.....	75
Normal temperature	.....	77
Rainfall, clear	.....	0.0
Deficiency since last of mo., inches	.....	2.2
Deficiency since Jan 1, inches	.....	3.2

Reports from Various Stations

STATIONS AND WEATHER	Temperature	High	Low
Atlanta, pt. city	76	90	60
Atlantic City, city	76	90	60
Baltimore, city	73	84	58
Birmingham, city	78	90	62
Boston, cloudy	72	84	56
Brownsville, pt. c.	82	90	60
Buffalo, city	74	88	58
Charleston, clear	82	90	60
Chicago, clear	72	76	60
Denver, pt. city	78	82	62
Durham, city	74	84	60
Galveston, clear	84	90	64
Hatteras, pt. city	74	80	62
Hot Springs, city	74	80	62
Jacksonville, pt. c.	74	80	62
Kansas City, clear	84	90	64
Knoxville, cloudy	86	90	66
Louisville, clear	74	82	60
Memphis, pt. city	86	92	60
Miami, pt. cloudy	82	88	64
Mobile, cloudy	82	90	62
Montgomery, rain	74	80	60
Montreal, clear	70	82	52
New Orleans, pt. c.	86	92	60
New York, pt. city	74	82	60
Oklahoma, clear	80	90	60
Phoenix, clear	84	90	64
Pittsburgh, cloudy	74	80	60
Portland, cloudy	74	82	60
Raleigh, clear	84	90	64
San Diego, pt. c.	88	90	68
San Francisco, c.	88	92	60
St. Louis, cloudy	80	88	60
St. Paul, cloudy	78	80	62
Salt Lake City, clear	76	82	62
Seattle, cloudy	80	84	60
Shreveport, clear	76	80	60
Spokane, cloudy	76	80	60
Tampa, cloudy	80	82	60
Tomball, pt. cloudy	80	82	64
Washington, city	82	90	64

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Chicago, clear	72	76	60
Denver, pt. city	78	82	62
Durham, city	74	84	60
Galveston, clear	84	90	64
Hatteras, pt. city	74	80	62
Hot Springs, city	74	80	62
Jacksonville, pt. c.	74	80	62
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Mobile, cloudy	82	90	62
Montgomery, rain	74	80	60
Montreal, clear	70	82	52
New Orleans, pt. c.	86	92	60
New York, pt. city	74	82	60
Oklahoma, clear	80	90	60
Phoenix, clear	84	90	64
Pittsburgh, cloudy	74	80	60
Portland, cloudy	74	82	60
Raleigh, clear	84	90	64
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Tampa, cloudy	80	82	60
Tomball, pt. cloudy	80	82	64
Washington, city	82	90	64

WATCHMAN TELLS OF FINDING BODY

Continued From Page One.

Efficient of the careful attention to detail that Lee gave to his story.

When the hour of 9 o'clock arrived, Pryor street in front of the temporary courthouse building was cluttered with the usual mob of the morbidly curious.

Perfect order was maintained, however, and few not directly interested in the trial were allowed to enter the courtroom.

Interest naturally centered on the appearance in the court of Leo M. Frank, the accused. If Frank has chafed under his confinement, his physical appearance betrays the fact.

Next in interest was Mrs. Leo M. Frank, wife of the accused, who, up to this time, has been seen little in public.

Mrs. Coleman Takes Stand.

Efforts to show Mary Phagan's attitude toward Leo M. Frank by the state and efforts by the defense to show the dead girl's attitude toward little George Epps, the 14-year-old newsboy who testified to riding down town with her on the morning before she was found dead, were the first important things attempted yesterday when the trial of the state vs. Leo M. Frank, charged with the Phagan girl murder on April 26, was formally opened.

Both efforts were promptly blocked for the present time by opposing counsel, and the testimony was started in regular form by the introduction of Mrs. J. W. Coleman, mother of Mary Phagan, as the first witness for the state.

During the preliminary Attorneys Reuben R. Arnold and Luther S. Rosser, for Frank, tried to conceal the names of their witnesses, but on Solicitor Hugh M. Dorsey's objections, they were overruled by Trial Judge L. S. Roan, and they called and swore their witnesses as the state had done but a few moments previously.

In a come-back for this the defense asked the court to honor their duces tecum which they previously served upon the solicitor, requiring him to bring into court all statements and affidavits made by James Conley, the negro sweeper, who made an affidavit incriminating himself and declaring he had aided Frank in disposing of the girl's body.

Solicitor Dorsey, after a conference with Frank A. Hooper, a brilliant criminal lawyer aiding him, dictated a statement to the court stenographer in which he agreed to produce these

affidavits and statements at the proper time, should they be held material.

Defense Announces Ready. The case started promptly at 9 o'clock with the courtroom thronged with veneremen and spectators, witnesses and lawyers and friends of the accused. Contrary to the persistent rumor that the defense would ask postponement and to their frequent objections to the trial in the heated terms, the defense proved ready and willing to go to trial.

Frank had been brought from the Tower at 8 o'clock in the morning, and at 7 o'clock had his breakfast brought to him by friends. He ate this in an ante-room, where he remained until the time came for picking the jury, when he came into the courtroom.

When Judge Roan called the court to order all seats were taken. Frank enters courtroom. It was a few minutes after 10 o'clock, and when the veneremen had been divided into nine panels and a number of them excused on various legal grounds, that Frank was led into the courtroom by a deputy who had stayed with him in the ante-room.

Frank looked quickly about him as he stepped into the crowded room. He appeared, as a person frequently is, unable to take in all at once the scene in the crowded hall. There was a general stir about the room as he entered, and as he made out the straining faces and searching eyes, it seemed to dawn upon him that he was the man for whom the crowd had gathered and at whom all eyes were turned.

A quizzical smile came over his face. His eyes were partly hidden by the thick and slightly darkened glasses he wore, but his expression seemed to indicate that he was telling himself, "It's an appearance that has brought this stir and what can those people be thinking about me?"

Just as the first time Frank had seen a crowd when he entered the jail on May 8, and it was the first time he had been given an opportunity to look on any but faces of his close friends. The order of the courtroom was perfect except for the slight stir.

Greeted by Wife and Mother. Frank went to a seat in front of the judge's stand and near his lawyers. Several of his close friends who had been admitted within the rail crowded round and warmly grasped his hand. A moment later his wife and mother, Mrs. Ray Frank, followed him from the ante-room and took seats on either side.

Mrs. Frank is a beautiful woman. Just past the bloom of girlhood, and whose attractive face would cause a second look from any man.

Neither Mrs. Frank, the wife, nor Mrs. Frank, the mother, showed by their looks the strain that the accusation upon their loved one must have caused them.

Jury Quickly Chosen. The entire morning session was taken up in choosing a jury and general surprise was expressed that the twelve men in whose hands Frank's life now hangs were selected from the 144 veniremen and within the time mentioned.

At 1:30 the jury had been selected and sworn in and Judge Roan, upon agreement from both sides, adjourned until 3 o'clock. Frank was then taken to an ante-room where his dinner was brought to him from his home, and where, with his wife and mother, he calmly partook of his meal.

Girl's Mother Breaks Down. It was at the afternoon session that Mrs. J. W. Coleman, mother of the murdered girl, was put on the stand by the state as the first witness. She was asked a number of questions and finally on being shown the dead girl's clothes, broke completely down and sank back in her chair sobbing with her face hidden by a large palm leaf fan.

Deputy Miner, quickly brought her a glass of water and she slightly recovered only to break down again when the defense began to cross-examine her. During her mental suffering Frank carefully kept his eyes away from her, although he sat facing her and the jury. He seemed either unable or unwilling to view the mother.

George Epps, the little newsboy, who claims to have ridden to town on the street car with the Phagan girl, and who is said to have declared that she told him of certain things she did not like about Frank, was put up. He was followed by New Lee, the negro night watchman, whose telephone call to police station, brought the officers to the scene of the crime at

3 o'clock on Sunday morning, April 27. When Mrs. Coleman was put on as the first witness she was then apparently holding herself perfectly composed. She was dressed in a black mourning dress and wore a black hat and heavy veil which she threw back from her face.

The mother talked in a quiet, refined voice, that was at times inaudible to lawyers and jurors. By her looks the Phagan family in above the station in life from which come children who toil in factories.

Mrs. Coleman's Testimony. After answering the usual questions in regard to her relationship and place of residence, she began her testimony. "When did you last see Mary Phagan alive?" asked the solicitor. Answer: "On the morning of April 26, at my home."

Question: "What did she do that morning?" Answer: "She helped me with the general housework."

Question: "When did she get up and when did she have breakfast?" Answer: "She got up about 11 o'clock and had breakfast right afterwards."

Question: "What did she eat?" Answer: "She ate some cabbage and some bread."

Question: "Was that all?" Answer: "Yes, I think it was; I know it was."

Question: "What time did she leave home?" Answer: "About a quarter to 12."

Question: "How old was Mary Phagan?" Answer: "She was nearly 14 years old. She would have been 14 on June 1."

At the mention of her daughter's fourteenth birthday, the mother broke down for the first time. It was not evident what had happened as she hid her face with her large fan and no one knew that she was gently sobbing until a minute later.

Tells of Girl's Beauty. Here followed questions and answers in which the mother told that Mary Phagan was a large and well developed girl for her size and that she was fair complexioned and decidedly pretty.

"Was she pretty or ugly?" the solicitor asked directly and yet in the kindest tone. "She was pretty, mighty pretty," the mother replied.

"Did not she have dimples in her cheeks?" pressed the solicitor. "Yes, a dimple in either cheek," replied the mother.

Mrs. Coleman was then asked to describe the dress her child had worn on the morning when she bade her goodby and told her she was going to the pencil factory to draw her pay. A moment later an attaché of the solicitor's office had spread out on the floor before the mother and the jury the clothes which the girl wore when her dead body was found.

"How long had it been since the girl had worked at the factory?" the solicitor asked while his employee was unwrapping the bundle of clothing. "She had not worked there since the previous Monday," Mrs. Coleman replied.

The woman had been shading her eyes from the sun's rays during the examination, and suddenly she removed it and spied the clothes. "Yes, I recognize them as hers," said Mrs. Coleman.

Attorney Rosser turned from the matter of clothes, apparently satisfied, and started a new line of questioning. "How far do you live from a car line?" he asked suddenly. "About two blocks."

"Is there a store near where you live, and who keeps it?" "Mrs. Smith keeps a store near my home."

"What time did Miss Mary leave home that Saturday morning?" "About a quarter to 12," the mother replied.

"Do you know whether she started out to walk or to catch a car to town?" "I think she caught a car, she always did."

"Do you know a boy named Epps?" asked Mr. Rosser, referring to the little newsboy later put on the stand. "Yes."

"Was he a friend of Miss Mary's?" "Yes, to a certain extent he was," she answered.

"Did you not talk to a certain gentleman on May 13?" began Mr. Rosser.

Objection by Solicitor. "Your honor," interrupted the solicitor, "I object to that as improper. He must give the name of the person and the place where she talked to him."

"I'm trying to find out the relations between Mary Phagan and George Epps," replied Mr. Rosser.

"Well, what this lady said to a certain gentleman is immaterial to this case, unless the defense wishes to impeach this witness and then they must give in detail the time and place of the conversation, as well as the person with whom she talked."

"I'm not trying to impeach the witness, your honor," replied Mr. Rosser.

"Isn't it true Miss Mary told you she detected the Epps boy?" he continued, quickly addressing the witness. "Immaterial," objected Mr. Dorsey. "What someone said to her about someone else won't tell us who killed Mary Phagan," said Mr. Rosser.

The attorney, Mr. Dorsey, did something that he rarely ever does; he withdrew his question without a fight on it and put it in another way to the mother.

"Didn't you tell L. P. Whitfield on May 2, that Mary Phagan detected the Epps boy?" said the attorney, apparently trying to show that Mary Phagan's dislike was so strong for the child that she would never have gone to town with him and promised to meet him at the Elkin drug store to see the parade, as the lad had declared previously and as he later told on the stand.

Solicitor Dorsey again objected and Mr. Rosser agreed to withdraw the question with the provision that he could bring Mrs. Coleman back to the stand later should he think it necessary to prove this.

Solicitor Dorsey then had the mother state to the jury that the clothes exhibited were those of Mary Phagan. Mrs. Coleman then was allowed to have

Women Show Interest in Trial



A snapshot of two ladies attending the trial of Leo M. Frank, taken as they were leaving the courtroom, both holding their fans up at sight of the photographer.

small bunch of flowers on her hat as she was "under the rule" and required to remain out of court while other witnesses were testifying.

Epps Boy on the Stand. George Epps was brought in. The lad was barefooted and in two senses of the word bareheaded. He crumpled a ragged cap in his hand and not a hair showed upon his head. The little boy's head was as cleanly shaven as though a barber had passed a razor across it that very day.

The lad, who looked nervous and who had previously told a reporter that this was his first time in a courtroom, went to the stand in a series of rapid strides and quick jumps.

"I'd be away from here now," he had previously told the reporter. "If there weren't so many policemen round here, I'd be gone."

The determined way in which he answered all questions and the sureness of his bearing and quickness of his replies caused laughter in the courtroom.

He was asked the usual questions about his age and residence and knowledge of Mary Phagan.

"When did you last see the girl alive?" asked the solicitor. "When she left me at Forsyth and Marietta streets about seven minutes after 12," he replied.

"She got on the English avenue car I was on at ten minutes before 12," he told, and she asked who was going to the factory to get her money. She promised to meet me at Elkin's drug store to see the Memorial day parade with me, and I was there and stayed there until 4 o'clock and then went to the ball game when she failed to show up."

Question Withdrawn by State. "What did she say to you while on the car in reference to L. M. Frank?" asked the solicitor.

Here came a prompt objection from the defense, Attorney Rosser leading to his feet and declaring the question improper.

"Well, I withdraw it, then," agreed the solicitor who, without another question, turned the lad over to the defense.

It was while being cross-examined by the defense that the lad showed the quick wit he possesses.

"How did you know what time it was when Mary Phagan joined you going downtown that morning?" asked Mr. Rosser.

"I looked at a clock just before I took on the car," he replied. "You didn't see anything about a clock when you testified before the coroner's jury?" objected Mr. Rosser.

"Nope, but I looked at one that time just the same," flashed back the young witness.

"How did you know what time it was when Miss Mary told you?" asked Mr. Rosser.

"I estimated it from the time she got on the car, and I told it by the sun," answered the lad. "I can tell time by the sun," he continued, as though proud of that achievement.

"You can tell the time to within seven minutes by the sun, then?" said the lawyer, apparently trying to confuse the young witness.

"Yes, sir, I can," came back in a childish treble, but in a manner that showed complete self-confidence.

Lad Positive in Statements. The lawyer then left out further remarks in regard to the lad's gift in

NUMEROUS WITNESSES CALLED IN FRANK CASE

List Indicates That Prisoner Is Prepared to Put Character in Evidence.

Numbers of witnesses were summoned to court by both sides and when the names were called so that all could be sworn it developed that scores of Leo Frank's friends had been called upon. From the fact that there is not a possibility of one in this number knowing anything of the crime, it appears that the defense has made preparation, at least, to put Frank's character in evidence and has secured these of his friends to testify for him.

Witnesses for State. The following witnesses for the state among whom appeared no new names were called:

J. W. Coleman, stepfather of the murdered girl; Mrs. J. W. Coleman, the mother of Mary Phagan; George W. Epps, a newsboy; Police Sergeant L. S. Dobbs, City Detective J. H. Carran, W. Rogers, a court bailiff; City Detective John Black, Miss Grace Hicks, J. M. Gantt, Pinkerton Detective Harry Scott, City Detective B. Haslett, E. F. Holloway, M. B. Darley, William A. Gheseling, Dr. Claude Smith, city bacteriologist; Dr. J. W. Hurl, coroner's physician; Dr. H. F. Harris, president of the state board of health; E. L. Parry, E. S. Smith, Miss Monteen Stover, Albert McKnight, colored; Minola McKnight, colored; Miss Helen Ferguson, Mrs. Arthur White, L. Stanford, E. B. Barrett and B. S. Smith.

Witnesses for the Defense. In the list of names for the defense called out by Attorney Stiles Hopkins appear the following:

F. Segiddy, Annie Hixon, Mrs. Levy, Mrs. Josephine Selig, Emil Selig, H. J. Hensey, R. H. Haas, W. H. Minney, J. T. Speer, E. F. Skipper, E. L. Sentell, Mae Barrett, C. H. Carson, Mrs. Rebecca Carson, Harry Denham, Harry Gottelmer, Miss Corintha Hall, Miss Hattie Hall, Mary Burke, Lemmie Quinn, Herbert J. Schiff, Ella Thomas, C. B. Gilbert, Frank Payne, Eula Flowers, Alonzo Mann, Joseph Soggin, E. C. Strauss, J. C. Leach, C. Cohen, Emma Bibb, Mrs. Bessie White, Joe Williams, Wade Campbell, William McKinley, J. E. Lyons, Dora Lavender, M. O. Nix, Jerome Michael, Mrs. M. G. Michael, George W. Parrott, Mrs. W. W. Myer, Babby, W. C. Nelson, Taylor, Mrs. Beatrice Taylor, Fred Weller, Mr. and Mrs. Charles Eisenbach, Carl Wolfshelmer, Ed Montag, J. D. Fleming, T. T. Brant, Floesie Shields, Dora Small, Mrs. R. Freeman, Charles Leak, Mrs. Ika Brausa, Mrs. T. J. Cohen, Milton H. Cleveland, Julia Busch, Walter Pride, J. C. Matthews, W. B. Bowen, M. W. Meyer, A. E. Meyer, Mr. and Mrs. A. E. Marcus, A. E. Haas, Ike Haas, Leonard Haas, Leopold J. Haas, William Montag, Ike Hirschberg, Dr. H. K. Krimm, Robert Schwab, Otto Schwab, William Rosenfeld, Sidney Levi, Louis Eisak, J. C. Gershon, George Gershon, Walter Rich, E. Wildauer, Sidney Levi, Sol Samuel, Arthur Heyman, Dr. F. C. Nelson, Nelson Jenkins, Isaac J. Haas, J. T. Speer, E. S. Skipper, E. L. Sentell, Arthur Haas, W. D. Owen, D. Y. Branch, Herbert Haas, Leonard Haas, Jake, Ed, William and Adolph Montag, Oscar Pappenheimer, Bert Post, Charles Adler, Sam Rosenstin, Max Silverman, Sam and Sol Cronheim, Alex Dittler, Max Wilensky, Marcus Loeb, Leo G. Strauss and Armand May.

regard to telling time without any of the modern mechanical means, and in another phase.

"Did Mary get off the car with you?" he asked.

"Yes, sir."

"Of that of that, are you?" "Yes, sir," the lad replied.

"You are sure she got off the car with you at Forsyth and Marietta?" "Yes, sir; she and me got off there, and she went across the bridge toward the pencil factory and I went under the bridge to get some papers to sell."

"You went to sell your papers then?" "Yes, sir; I thought I could sell them by 2 o'clock and meet her as she had agreed with me to do."

"Had you sold out by 4 o'clock?" "No, sir, I finished sellin' out at the ball grounds."

"What time was it when you finished selling your papers?" "I don't know, sir."

"Couldn't you tell by the sun?" came the tantalizing question. "No, sir, the sun had went down by that time, the boy replied.

The positive way in which little Epps replied, and the stress upon the "had went" caused a general ripple of laughter.

The lad was then allowed to leave the stand.

Newt Lee Calls on Stand. Newt Lee followed the Epps boy. He had been waiting in the prisoners' room throughout the day. There was a characteristic gleam in his eye about him and he answered all questions readily.

Attorney Rosser subjected him to a rigorous grilling, under which the negro stood up bravely. At times, his quaint dialect and gestures sent a wave of interest to the court room. He told a graphic story of discovering the body, and was kept on the stand for fully two hours. The trial adjourned while he was testifying. His testimony will be resumed this morning.

Lee was questioned first by Solicitor Dorsey.

"Newt, how long have you been night watchman at the National Pencil factory on Forsyth street?" "Three weeks."

"Ever watch before at the other plant?" "Yes, sir."

"What instructions did Mr. Frank give you when you began work on Forsyth?" "He carried me around the building and told me to report for work at 5 o'clock on Saturdays and at 6 o'clock on other days."

Tells of Talk With Frank. "Did you talk with Frank on Friday, April 25?" "Yes, he told me to come at 4 o'clock on the next day, which was a holiday; so he could get off earlier than usual."

"What time did you arrive at the factory on the 25th of April?" "A few minutes until 4 o'clock."

"What was the condition of the Forsyth street door?" "It seemed locked, and I got my keys out of my pocket. When I pushed on

THREE BARRELS OF BEER CAUSE POULAS' ARREST

That a man with a lunch license only has no business with three barrels of beer in his place, was the opinion handed down by Recorder Broyles in binding Cris Poulas over to the criminal court under a bond of \$500 on a charge of running a disorderly house. Poulas has been operating a club room at 12 1/2 North Broad street, and was caught Saturday night playing cards with Nick Poulas, a cousin, and John Minor. Poulas was also charged with running a gaming house and gambling. The others were charged with gaming, and bound over under a \$100 bond each.

The Best Hot Weather Tonic. GROVE'S TABLETS AND TONIC enriches the blood and builds up the whole system, and it will wonderfully strengthen and fortify you to withstand the depressing effect of the hot summer. 30c. (Ad.)

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"SEWELL'S" MONEY-SAVING SPECIALS FOR TODAY. Buy from first hands and save 25 to 50 per cent on your purchases. Solid carload Pencil Lemons, per doz. 10c Large Juicy Limes, per doz. 10c 10-lb. Fall Silver Leaf Lard, \$1.39 10-lb. Best Snowflake Lard 95c 24-lb. Sack Best Flour 65c Dry Salt Meat 12 1/2c 15 Can Sweet Potatoes 10c 10c Can Blackberries 10c 15c Can Apples 7 1/2c Sewell Commission Co. Wholesale and Retail 113-115 Whitehall Street Branch Store 164 Decatur Street

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FORSYTH TWICE TODAY 2:30 and 8:30 JOE WELCH ROBT. L. DALLEY & Co. Next Week Everests Elsa Ward--Cunningham & Monkey H ppodrome Rad Cross.

TODAY 2:30 CRAWD TONIGHT 8:30 GARNETT MUSEUM ALASKA-SIBERIA PICTURES And High-Class First Run Movies Mat. 10c; Night 10c, 15c, & 15c

Sale Now On "Correct Dress for Men" Essig Bros. Co. July Reduction Sale 33 1/3% Off For Cash On our entire stock of Men's and Young Men's fine Spring and Summer Suits, Cassimeres, Worsteds, Cheviots, Homespuns, Crash, Mohair, Blue Serge. Nothing reserved. ALL SUITS THAT WERE \$15.00 Reduced to \$10.00 20.00 Reduced to 12.35 28.00 Reduced to 18.35 22.50 Reduced to 15.00 25.00 Reduced to 16.65 27.50 Reduced to 18.35 30.00 Reduced to 20.00 35.00 Reduced to 23.35 25% Off on All Odd Trousers \$ 5.00 Pants, now \$3.75 6.00 Pants, now 4.50 7.00 Pants, now 5.25 8.00 Pants, now 6.00 9.00 Pants, now 6.75 10.00 Pants, now 7.50 We Sell the Famous Paragon Trousers All of our Suits are made from the best foreign and domestic woolens by America's foremost tailors in sanitary work rooms This Positively Is a Cash Sale Essig Bros. Co. 25% Off on All Straw and Panama Hats "Correct Dress for Men" 26 Whitehall Street

Continued from Page Two

It a second time though it came open Did this door on previous Saturday seem locked or unlocked? Unlocked Was the door on the stairway leading to the second floor locked or unlocked? Locked When you appeared at the factory to report on afternoon what did you generally do upon going up to the second floor where Mr. Frank's office is situated? Say Howdy Mr. Frank He usually called Hello Newt and if he wants anything he calls me into his office Told to Leave Factory What did he do when you went to the second floor on Saturday the 26th? He came to the door rubbing his hands and saying he was sorry I had come so early I told him I needed sleep and was sorry too He said go out in town and have a good time because I needed it I told him again that I needed sleep and he said I needed a good time I said you have slept in the factory? Yes sir In the parking room When did Frank say come back to work? He said for me not to be gone more than an hour and a half What did you then do? Offered him some bananas I had and went on out How long did you stay away? Until four minutes until 4 when I went back to the factory How were the doors when you returned? Just like I had left them Told Not to Punch What did Frank say when you came back? I went to the door told him I was back and he asked me what time was it I told him it was 6 o'clock and he said for the clock yet that there were some workmen up stairs What did he think of it? Put on slip for the clock Did Frank ever mention Gantt to you? Yes sir Did you see Gantt that afternoon? Yes sir I saw him I went upstairs a little after 6 o'clock I saw him in the street from a long way off I think he had left a pair of shoes in the factory and that he wanted to get them I told him Mr. Frank was on stairs and if he would ask Mr. Frank he could get them in the office He said no he didn't want to I told him about the time Mr. Frank was upstairs unexpectedly when he saw Gantt he jumped back a little frightened What conversation was there? Found Two Pairs of Shoes Gantt said how did Mr. Frank and Frank said why Mr. Gantt Mr. Gantt said he had left a pair of shoes in the factory I said he had seen the shoes in the factory and he had seen a pair of shoes in the factory they were tan shoes Mr. Gantt said he had left a pair of black ones too Mr. Frank dropped his head a minute and said it was in with Mr. Gantt to get his shoes We went into the shipping room and found both a pair of black shoes and a pair of tan shoes We left the office and I had they been swapped out? Didn't look like it Did you see Mr. Frank any more that night? No sir Did he telephone you? Yes sir Had he ever done it before? No sir What time did he phone? Phones Hour After Leaving About 11 o'clock about an hour after he had left What did he say? He said "Is that you Newt? I told him yes and he said This is

Frank's Fate Rests in Hands of These Twelve Men



Photo by Fran is E. Price Staff Photographer

First picture of jury taken for Constitution as members left courthouse at noon recess. The jurymen are guests of the Kimball House

Possibly the one thing that stands out most prominently in the first day's proceedings of the Leo M. Frank trial was the dispatch with which the jury was selected and the examination of witnesses begun

Serious courthouse habits who have followed the Phagan case from the hour of the discovery of the murder up through the last of the many developments predicted that the selection of a jury would consume at least a day and a half There were many

reasons for this belief chief of which was the wide spread publicity the case has been given No matter that has occurred in Fulton county has attracted the public attention as has the Phagan case and much has been given one half the public

But the men drawn on the several panels of the jury were for the most part of the intellectual type whose minds were free of bias Of those rejected comparatively few were discarded because they had formed and expressed an opinion They had

weighed the gravity of the situation they were called upon to confront and their answers to the questions of the solicitor general were prompt and intelligent

In the selection of jurymen both defense and prosecution while well informed carefully the merits of each candidate for jury duty avoided unnecessary delay A candidate either pleased or displeased and was accepted or rejected without loss of time

Of the many juries called upon to serve in famous cases in Fulton

county none has classed higher in intellectual fitness or physical appearance than the men who make up the Frank jury The low brow is conspicuously absent from among the twelve men in whose hands the fate of Leo M. Frank rests

The rural citizen and the aged professional jurymen are also missing For the most part the jury is composed of young men this side of 40—men who have the appearance of having succeeded in life and who give promise of still greater success

structions that Saturday night? "No, sir." "You were not told to go into the metal room?" "No, sir." "Not told to go into the basement?" "No, sir." "Objection is Sustained." "If, however, you had followed original instructions and inspected the basement as you were supposed to inspect it, you would have discovered the body earlier would you not?" "Yes, sir." "Does any objection to this question on grounds of it being a hypothetical nature was sustained?" "When you went into the basement, was the back door open or closed?" "Closed." "Isn't it true that when the police got there it was open?" "They said it was." "How long were the police in coming?" "Eight or ten minutes." "How close did you get to the door?" "No closer than the place where the body lay." "The body was 60 feet distant wasn't it?" "About that." "How did you know the door was closed?" "I could see outside." "Do you mean to say you could see through it into the darkness in case it had been open?" "There is a light that burns in the alley just outside the door." "Went in at 7 o'clock." "What time did you first go into the cellar?" "Seven o'clock." "How far did you go?" "Just to the bottom of the ladder." "Could you see the entire cellar from that point?" "I could see a fire if there had been one." "I'm not talking about a fire." "That was what I was looking for

when I went to the bottom of the ladder?" "You didn't go any further at that time than your Junobug light at the scuttle hole?" "I didn't say Junobug I said lighting bug." "Tell me what made you go on through the basement at 3 o'clock?" "I went to the closet." "There are closets on the first, second and third floors aren't there?" "Yes, sir." "Why did you prefer the one in the basement?" "Because it was the one Mr. Frank ordered me to use." "As you went to the closet did you notice the girl's hat or shoe, or parasol?" "No, sir." "Your lantern was dim and sooty, wasn't it?" "Yes, sir—kinder." "Here Judge Roan called an end to the afternoon session."

LaGrange Man Stricken

LaGrange Ga July 28—(Special)—George Dallas suffered a stroke of paralysis in his left side yesterday rendering him unconscious for some time. This morning he was conscious but his condition is serious

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around toward the back door and picked up my lantern and saw something in the corner. I thought that as it was a holiday some devilish boys were trying to play a joke on me. When I saw what it was though I got out of there

Negro Got Out Quick

How did you get up the ladder? I don't know, sir, but I got up there

What happened then? I called police station and tried to get Mr. Frank but couldn't

This body was a girl wasn't it? I don't know, sir

When did you see Frank? When they took me back to the pencil factory from the station house

What time was it then? I don't know—about 8 o'clock though

Where was he when you saw him? Coming in the office where they had me

How did he look at you? He looked at me and at the door dropped his head and didn't say anything

Mr. Darley who was in the office said "Too bad Newt I don't believe you did it, but I think you know something about it"

Was any examination made of the time lock? Yes, sir

Who made it? Mr. Darley I think

Were you and Frank in jail at the same time? Yes

Did anybody say anything about the clock being punched? Mr. Frank opened it and said the punches were all right

What did he mean by all right? (An objection was made to this question by Mr. Rosser but was overruled)

Meant it was correct. Lee went on accurate—punched every half hour beginning at 8 p.m. and ending at 3 a.m.

After Frank left you in the office that morning when did you again see him? He went back to the station house with me in the automobile

Did he say anything? No, sir

Did you see him any more? Lee and Frank Meet

Yes, sir. Some night soon after I was arrested they came to my cell and said they were going to let me and Mr. Frank have it out. I didn't know whether they wanted us to fight or what. They put me in a room by myself handcuffed to a chair and brought Mr. Frank in. He looked at me and dropped his head. We were alone. When he looked up I said Mr. Frank it's mighty hard for me to be handcuffed to this chair for some thing I didn't do. He said "What's the difference? They've got a man guarding me. He also said he didn't believe I killed the girl but said he thought I knew something about it. I told him I only discovered the body. He said "Yes and if you keep that up well both go to hell. The detectives came in at that time.

When Mr. Frank asked you on Friday the 25th to come at 4 o'clock the next Saturday did you object? Yes, sir but I agreed to come

Defense Takes Witness

At this point the state yielded the witness to the defense. Attorney Rosser became the questioner

You testified before the coroner's inquest did you not? I testified before something down at the station house

How many times have you made this statement of yours before Mr. Dorsey? Once

How many times have you made it before Mr. Black? I don't know Mr. Black to remember him

How many times before any detectives? I don't know, sir there were so many blim blamming at me so much that I couldn't keep account

Is your mind so fresh now as it was months ago? Well when anybody remembers a thing, they remember it don't they?

Utters to Statement

Did you tell about Frank's head being lowered when you came for work that Saturday while you were testifying at the inquest? Yes, sir.

Are you sure? Yes, sir

Honest? Yes, sir

Positive? Yes, sir

Do you remember the first Saturday you started to work at the pencil factory? Yes, sir

What time did you report? Five o'clock

Then why did you grumble at having to come back early on the afternoon of the 26th? I didn't grumble

You ordinarily Saturday's sleep ends at 12 o'clock doesn't it? Yes, sir

But in this particular Saturday you didn't have to get to the factory until 4 o'clock? No, sir

Why the Frank "Im Here" When you arrived at the office what were your very words? All right Mr. Frank I'm here

What did he do? Came on on of the office—I was standing at the head of the steps

About how far apart were you? (Lee pointed at Attorney Frank Hooper associated with Solicitor Dorsey in the prosecution suit)

About as far from me to that man. What this handsome man here? (Mr. Rosser pointed to Mr. Hooper. The latter took the sally with a good natured smile)

Were you any further than 15 feet? No, sir

Was his head drooping? I don't know

Isn't it true that before the coroner's inquest you filled to tell about his head drooping? Yes, sir

Well let's see Rosser referred to stenographic notes of Lee's testimony at the inquest. He read to the court Frank came out rubbing his hands and met me at the office door and said Newt you can go have your some fun

Isn't that your statement? he questioned

Some of it is and some ain't. What isn't? Have a Good Time

That part about some fun. I said he told me to go have a good time. Did you say anything at the inquest? No, sir

If the front doors to the factory were unlocked anybody could get into the basement couldn't they? Yes, sir

If the stair door was locked it would prevent no one from reaching the first floor of basement would it? It would not

Doors Were Unlocked When you got back after having some fun and had your good time that afternoon the doors were unlocked and anybody could have gone to any part of the building eh? Yes, sir

Anybody could have gone where they pleased with Mr. Frank in the rear of his office? If he didn't hear them

Could he see you Saturday afternoon from where he sat? I couldn't see him

On the first Saturday of your duty in the pencil factory did you go all over the building without his knowledge although he sat in his office? Yes, sir

Well couldn't anybody do the same? I suppose so

He didn't know you were there because he was in the inner office and couldn't hear you? Yes, sir

Easy About Him When Gantt came on you watched him to let him in didn't you? Wasn't Mr. Frank uneasy about him? Yes, sir

Mr. Frank and Mr. Gantt had had a difficulty had they not? I think so (Solicitor Dorsey objected to the question because of hearsay evidence Lee continued)

Mr. Frank says to me Lee I discharged Mr. Gantt and I don't want him around

That's why he was startled when he came downstairs isn't it? That's what first popped into my mind

What did you upon letting Mr. Gantt out to the street?