

Bound Over For Phagan Murder

FRANK AND LEE ORDERED HELD BY CORONER'S JURY FOR MARY PHAGAN MURDER

Sensational Statements Made at Inquest by Two Women, One of Whom Had Been an Employee, Who Declared That Frank Had Been Guilty of Improper Conduct Toward His Feminine Employees and Had Made Proposals to Them in the Factory.

EVIDENCE IN BAFFLING MYSTERY
THUS FAR, IS CIRCUMSTANTIAL,
IS ADMISSION MADE BY DETECTIVES

Frank and Lee Both Go on Stand Again and Are Closely Questioned in Regard to New Lines of Evidence and Forced to Reiterate Testimony Formerly Made to Coroner's Jury. They Will Remain in Jail Pending Action of the Grand Jury.

Leo M. Frank, superintendent of the National Pencil factory, and Newt Lee, the negro night watchman, suspects in the Mary Phagan murder, were ordered by the coroner's jury to be held under charges of murder for further investigation by the Fulton grand jury.

With this verdict the inquest closed at 6:28 o'clock yesterday afternoon. Frank and the negro will be held in the Tower until action is taken by the grand jury and solicitor general. The decision was reached within twenty minutes after the jury had retired.

Although much important testimony was delivered at the inquest, probably the most significant was the admission made by Detective Harry Scott, of the Pinkertons, and Detective John Black, of headquarters, both of whom declared in answer to questions that they so far had obtained no conclusive evidence or clues in the baffling mystery, and that their only success had been attained in the forging of a chain of circumstantial evidence.

Testimony was drawn from a number of women and young girls who told of alleged undue familiarity of the suspected factory superintendent with them and other female employees of the plant. The boldest statement of this character was made by Nellie Pettis, a young sister-in-law of Mrs. Lillie Mae Pettis, an employee of the factory.

She declared that on one occasion, four weeks ago, when she had gone to Frank's office to obtain her sister's pay envelope, the superintendent had made an open proposal, and had even intimated the offer of money.

Frank and Lee on Rack.

Both the superintendent and the negro suspect were placed on the rack during the afternoon session. Lee's statement was a reiteration of his former story. He was quizzed on new lines, however, answering all questions promptly and clearly. He preceded his employer.

Frank was interrogated in regard to new evidence that has been obtained by the sleuths.

He was worn and haggard, and shows the effect of his imprisonment. From 9:30 in the morning, at which hour the inquest was resumed, until 5 o'clock in the afternoon, when he was placed on the stand, he sat in the office of Chief Beavers, the object of



Photo by Francis E. Price, Staff Photographer.

Leo M. Frank, factory superintendent, who, with Newt Lee, the negro night watchman, was held for the grand jury.

the gaze of the immense crowd of idly curious who thronged the building. Coroner's Verdict. The following is the verdict of the coroner's jury: Atlanta, Ga., May 8, 1913. We, the coroner's jury, empanelled and sworn by Paul Donohoe, coroner of Fulton county, to inquire into the cause of the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, county physician, and that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton county grand jury. (Signed) HOMER C. ASHFORD, Foreman. DR. J. W. HURT, County Physician. Frank's Testimony. Frank was put on the rack at 5

o'clock. His examination was much shorter than the one to which he was subjected during the first session. "What kind of elevator door is there to the shaft in the pencil factory?" was the first question. "Sliding doors." "How many?" "One on each floor." "Are they latticed or solid?" "Solid." "Where was the elevator at 12 o'clock Saturday?" "I did not notice." "Were the doors open or closed?" "I don't remember." "What protection would a person have from falling down the shaft if the doors were left open?" "A bar which projects across the opening." "After the crime was committed, where did the elevator stand?" "I only know where it stood Sunday morning. It then was on the second floor." "When you last removed the taps from the time clock, what did you do with it?" "I handed it to an officer in the building." "Did you put it on file?" "No." "Are you sure?" "Yes—positive." "Do you remember a party at your house on the night of April 28?" "Yes." "Can you name the guests?" "I don't remember them all." "When the police came to bring you down to the factory that Sunday morning, what was said about whiskey?" "I said I wanted something warm to drink. One of the detectives suggested whiskey." "What time was it?" "Between 7:30 and 8 o'clock." "What did you say about dreaming?" "I said to someone that I thought I had dreamed of hearing the telephone ring in the dead of night." "When you went to the undertaker's, did you go in the water closet instead of the room in which the body lay?" "No." "Did you view the body?" "Yes." "Did you recognize the girl?" "Yes." "When did you first hear her name?" "I don't remember." "What time did you return home that Sunday afternoon?" "I don't remember." "Did you telephone your wife before your return?" "Yes." Did Not Discuss Murder. "Was the murder discussed at home that afternoon?" "Not much." "What topic was discussed?" "I don't remember." "When did Quinn first mention to you his visit to the factory on the 26th?" "I don't remember." "He said, 'Don't you recollect that I was at the factory Saturday afternoon?'" "What did you tell him about withholding that information until your attorney had been consulted?" "I don't remember. I had so many visitors that I couldn't recollect the exact words." "Who suggested the conference with your attorney relative to Quinn's visit?" "I don't remember." "How long have you known you had counsel?" "Since Monday." "Why was it mentioned that Quinn's visit be kept until consultation with your lawyer?" "I don't remember." "How can you lock the door between your office and the dressing room where the blood spots were found?" "I have never seen it locked." "Is it usually open or closed?" "Closed." "Is there any way of closing the doors on the back stairway?" "Yes. They are locked." "Describe your telephone conversation with Detective Starnes at the time you were informed of the tragedy?" "Frank Was Called Up. "He asked me if I was superintendent

of the National Pencil factory. "I'd like to have you come down here at once," he said when I informed him that I was Leo Frank. He said he wanted me to identify a girl, and asked me if I knew Mary Phagan." "Didn't you say that the first time you had heard her name was while you were traveling in the auto on the way to the factory Sunday morning?" "I don't recollect that I did." "Did you have any trouble with a girl in your office Saturday morning?" "No. There was one incident where a mistake had been made in the pay envelope of Mattie Smith, but it was corrected without any trouble." "What time was Mattie Smith in your office?" "Between 9 and 10 a. m." "Did anyone enter while she was there?" "I don't remember." "Give the name of everyone in the office throughout the day Saturday." "Mr. Darley, Mr. Holloway, the office boy, Miss Hall, stenographer; Mr. Campbell, Mr. Pullerton, Mrs. White, Lemmie Quinn, Mr. Gantt, Emma Clark, another girl employee, Arthur White, Harry Denham, Newt Lee and Mary Phagan." "Did you see May Barrett?" "I don't know her." "What did you say to Emma Clark?" "I don't remember saying anything to her." "He was released from examination at 4:55 o'clock. Lee on Stand. Newt Lee was put on the stand, and for the first time publicly told of the private conversation he held with Frank on the night the latter was arrested and brought to police headquarters. He was put through only a short examination. "Detail your talk with Mr. Frank at headquarters Tuesday night a week ago." "I was in the room locked up by myself. Mr. Frank, he came in. I says, 'Howdy, Mr. Frank, in here!' Just like I always do. He came to the door, and said I could go out on the street and have some fun. I said I had rather sleep, because I hadn't been sleeping much of late, than have a good time out on the street. He said go on, though, and I went." "Was that the first time he ever came to the door to greet you?" "Yes, sir." "Was the street door locked when you entered the building?" "No, sir." "Found Inside Door Locked. "Was the inside door locked—the door leading to Frank's office and the second floor?" "Yes, sir." "Had it ever been locked before?" "No, sir. Not since I've been working there." "How did you get in?" "Unlocked the door." "When you arrived, was the scuttle hole near the elevator open?" "I don't know, sir. It generally always does stay open, though." "Was it light or dark on the second floor?" "Dark." "Did Mr. Frank put on the tape of the time clock at 6:30 when you returned from the street?" "Yes, sir." "Did he ever do this before?" "Only once, that's all." "How long did it take him to fix the tape?" "A pretty good while." "Whose shirt is that they found at your house?" "It looks mighty like one I use to have." "What size do you wear?" "Sixteen." "Whose clothes were in the barrel in which it was found?" "Mine." "Was the shirt ready-made?" "No, sir. It was made by Mrs. Bowen, a white lady who gave it to me." "It is a ready-made garment, then it isn't yours?" "No, sir." Schiff Tells of Office Work. Herbert Schiff, chief clerk of the pencil factory, took the stand. "What is your capacity with the concern?" he was questioned. "I formerly was a traveling salesman. I'm now chief clerk and first assistant to Mr. Frank." "Are you entirely familiar with his handwriting?" "The object of the coroner was to ascertain the exact amount of work done by the suspected superintendent during the day on which the murder is believed to have been committed." "Yes." "His business, too?" "Yes, thoroughly." "Wasn't Frank behind with his office work on that particular Saturday?" "What kind of work had accumulated?" "Billing, orders and the financial sheet." "Were you at the factory Saturday?"

"No." "How many employees are there attached to the plant?" "One hundred and fifty or more." (At this juncture of his examination, Schiff was given the same assortment of clerical work to investigate which had previously been given Miss Hall. He was asked to identify Frank's handwriting. He recognized ten requisition sheets which the suspect had handed.) "How long would it require to adjust these requisitions?" "An hour and thirty minutes, I would say." "Were you at the factory Monday morning at 8 o'clock?" "Yes." "When did you first see these papers?" "Monday or Tuesday, I forget which." "How long would you judge that it took Frank to complete the work on his books and papers which you recognize as having been performed by him that day?" "About six or seven hours." "Did you see him Sunday?" "Yes, at Bloomfield's, the undertaker." "Did you speak to him?" "No; not at that time. I heard him say to Mr. Darley, whom he had accompanied to the undertaker's, that he was going to police headquarters." "What clothes did he wear?" "I did not notice closely, but it looked like a brown suit. I'm not sure." "Did you talk with him at all Sunday?" "A little. He told me what he had heard of the tragedy and of being telephoned at daybreak." "Do you know him well?" "Yes, I do. I've been associated with him probably more than anyone connected with the plant." "What is his general manner toward the girl employees?" "He says very little to them." "Is he naturally nervous?" "Yes, quite so. He gets agitated over the least little happening." Frank's Conduct Discussed. The following is Tom Blackstock's testimony: "Do you know Leo M. Frank?" "Yes." "How long have you known him?" "About six weeks." "Did you ever observe his conduct toward female employees of the pencil factory?" "Yes. I've often seen him picking on different girls." "Name some." "I can't exactly recollect names." "What was the conduct you noticed particularly?" "The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls." "See it often?" "A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building." "Can't you name just one girl?" "Yes. Magnolia Kennedy." "Did you see him act with undue familiarity toward her?" "I heard talk about it." "Before or after the murder?" "Afterwards." "When did you observe this misconduct of which you have told?" "A year ago." "Did you hear complaints around the plant?" "No. The girls tried to avoid him." "At 6:28 o'clock, when the jury adjourned the inquest, executive session was declared. Behind locked doors, with even the coroner barred, the six jurors heard the statement of Dr. John W. Hurt, county physician, relative to the examination he had made upon the body." "He told them of the disclosure that death had been caused by strangulation, and minutely described the cuts and wounds about the chest, head and shoulders. No reference was made to the examination he held on the stomach of Dr. H. H. Harris, of the state board of health, nor of the analysis made at the grave when the body was disinterred Wednesday afternoon." "Dr. Hurt's statement consumed twenty minutes or more. It required half that time for the jury to reach a verdict. When it had been delivered, Coroner Donohoe made a small speech of thanks, commending each man for his efforts during the inquest. Following which, the six men were paid their regulation fee of \$1. A pathetic feature of the adjournment was the handshake accorded the superintendent of the plant, Mr. Frank. With tear-dimmed eyes and tremulous hand Mr. Coleman moved among the jurors, pressing their hands firmly and murmuring words of gratitude. The final two hours of the inquest were occupied in examining witnesses whose testimony pertained to the suspected superintendent's alleged misconduct with female employees of the plant. These witnesses were Mrs. C. D. Donagan, Tom Blackstock, Nellie Wood and Nellie Pettis. It was the first time such testimony had been introduced, and came as a surprise. The statement of the Pettis girl was the most interesting. She lives at 9 Oliver street and is apparently 13 or 19 years old. Testifies to Improper Conduct. She first was asked if she ever had been employed at the pencil factory. "No," she answered. "Do you know Leo Frank?" "I have seen him once or twice." "When and where did you see him?" "In his office at the factory whenever I went to draw my sister-in-law's pay." "What did he say to you that might have been improper on any of these visits?" "He didn't exactly say—he made gestures I went to get sister's pay about four weeks ago, and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless I saw him first." "I told him I didn't want to see him. He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'" "I instantly told him I was a nice girl." "Here the witness stopped her statement. Coroner Donohoe asked her sharply. "Didn't you say anything else?" "Yes, I did. I told him to go to h—l and walked out of his office." Mrs. C. D. Donagan was next called to the stand. She was connected with the pencil plant for three weeks. Her capacity was that of a folder. She resides at 155 West Fourteenth street with her husband. "Frank Flirted With Women." Her testimony follows: "State your observations of Frank's conduct toward the girls and women of the plant." "I have noticed him smile and wink at the girls in the place. That was two years ago." "Did you make a statement to the detectives of undue familiarity you had witnessed?" "I told them that I had seen Frank

flirt with the girls and women—that was all I said." "The testimony of Nellie Wood, a young girl of 8 Corput street came next. In brief it was this: "Do you know Leo Frank?" "I worked for him two days." "Did you observe any misconduct on his part?" "Yes. His actions didn't suit me. He'd come around and put his hands on me, when such conduct was entirely uncalled for." "Is that all he did?" "No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn't let him. He got too familiar by getting so close to me. He also put his hands on me." "Where did he put his hands?" "He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking, but I was too wary for such a game." "Did he try further familiarities?" "Yes." "When did this happen?" "Two years ago." "What did you tell him when you left his employ?" "I just quit, telling him that it didn't suit me." Detectives on Stand. The placing of Detectives Scott and Black on the rack created surprise. They had been assisting in the examination of witnesses. Both were quizzed during the afternoon session. Scott was first to take the stand. "What is your profession?" "Assistant superintendent of the Atlanta branch of the Pinkerton Detective agency." "Were you investigating the Mary Phagan case?" "Yes." "Have you been retained by the National Pencil company, through Leo M. Frank, to catch the murderer of Mary Phagan?" "When and how were you retained?" "Monday following the discovery of the body. I was called over the telephone by Mr. Frank. I went to see him at his office and was employed." "State what conversation ensued between you?" "Frank said, 'I guess you have read of the horrible crime that has been committed in the factory building. We want to catch the murderer or murderers, and want to employ the Pinkertons so as to show the public that we are interested in the case.' He also said that John Black, a detective at police headquarters, seemed to suspect him of the crime. He detailed to me his movements on the day of the murder. This was his explanation: "I was at the office of the plant until 10 a. m., when I went to Montag's office, returning to the factory about 10:30 o'clock. White and Denham, two mechanics, were in the building, and about 12:10 o'clock Mary Phagan came in to draw her pay. As she stopped from the office with her envelope, she called back to see if the tipping metal had arrived. About 12:50 o'clock, I left for dinner, returning at 3:10. At 4 o'clock, the negro watchman, Newt Lee, appeared. He was dismissed because of the rumor of his plans to attend the ball game. At 6:30, the negro returned and I went home for the night." Scott Questioned Frank. "Did you ask him any questions?" "I asked him but little, nothing, in fact." "Did he show you over the building?" "Yes, we inspected the time clock, the elevator, machine room in which the girl is supposed to have been killed, and the spot in the basement where the body was found." "What was with you beside Frank?" "A Mr. Darley." "Did Frank make any suggestions as to how you might proceed with your investigation?" "None whatever." "Did he advance any theories?" "No." "Have you talked with him since?" "Only once, and that was while he was being examined at police headquarters." "Did Frank reprimand you for questioning him, or protest against the tone of your questions?" "No." "Did he ask you to stop the investigation?" "No. Herbert Haas asked us to turn over to him the reports of our progress until further notice. I told him we'd first withdraw from the case." Scott Reports to Manager. "Who is getting your daily reports?" "Sig Montag, manager of the pencil factory." "Are you still in the employ of the pencil factory?" "Yes." "Who planned the conference between Leo and Frank?" "Detective Black and I. We asked Frank to impress upon the negro the importance of telling the truth." "What was he told to say to Leo?" "What I have just told you." "What did Frank say when the conference was finished?" "That he could not get a thing out of the negro." "What did the negro say?" "That Frank told him that if he stuck to his original story, both would go to h—l, and that Frank had made no effort to question him." "What did Frank say regarding the conference?" "That he could get nothing from Leo, and that he had made every possible effort to get the truth." "Were you with Detective Black when Leo's home was searched for the bloody shirt?" "No." "Did you see the shirt in question?" "Yes." "Describe it." "It was bloody, and looked as though it had been recently washed. It exhaled a strong odor of blood." "Did it ever been laundered?" "There was no mark to indicate it." "Did Leo ever see it?" "Yes, he recognized it, but said it had not been worn for two years." "He could not account for the blood stains." Scott Refuses to Commit Self. "Mr. Scott, have you any direct clue or clues?" "I won't commit myself at present." "Have you anything positive?" "Only surmises. We are only running out a chain of circumstantial evidence." "Is this information in only your possession?" "No. It is also in Detective Black's." "Detective Black was called." "Tell the jury about the bloody shirt which you found in Newt Lee's home." "Fred Bullard, a headquarters detective, and I went to the rear of 40 Henry street last Tuesday a week ago and found it in a trash barrel at the negro's home." "In which part of the barrel was it found?" "In the bottom." "Was the barrel odoriferous?" "Yes. It was strong with the fumes of refuse." "Did you see the shirt Leo wore Sunday when he was arrested?" "Yes." "Was it like the bloody one?" "No. It was a woolen garment. The bloody one was linen." "Where is the bloody shirt now?"

blue in the Phagan case?" "Have you discovered any positive lead in the Phagan case?" "No." "What did Lemmie Quinn tell you of his trip to the pencil factory on the Saturday that Mary Phagan disappeared?" "He told me last Tuesday that he was not at the factory at all on April 26." Six Witnesses at Morning Session. Three hours of the most rigid questioning of witnesses at yesterday morning's session of the coroner's inquest into the death of Mary Phagan failed to bring out any new evidence of importance. Six witnesses—"Boots" Rogers, a former county policeman; Lemmie Quinn, foreman of the pencil factory; Miss Corinthia Hall, employed at the factory; Miss Hattie Hall a stenographer; J. L. Watkins and Miss Daisy Jones—were examined by Coroner Donohoe, but the testimony differed in no way from what has already been given. Constitution Reporter Testifies. Rogers told how Britt Craig, the Constitution reporter, was the first to enter the basement and see the dead girl's body as it lay "face down" in the basement of the pencil factory. His story of how Leo told the officers of his discovery of the body was identified with other testimony on this point. After Leo had been arrested Rogers said that he went in an automobile to the home of Miss Grace Hix, at 100 McDonough road, an employee at the factory, and brought her to the factory to identify the body of Mary Phagan. He then went for Frank, who had in the meantime been telephoned to, and found him nearly dazed, but nervous. Rogers said that when the officers arrived at the Frank home, Frank asked whether there was anything wrong at the factory. "While at the factory, Rogers testified, Frank ran the elevator and examined the time clock, reporting that it was correctly punched. His only remark to the arrested night watchman was "too bad." Rogers told of how he then took Frank to the undertaker's shop to see the girl's body, and later took him to police headquarters to be questioned. L. A. Quinn, the foreman under whom Mary Phagan worked, stated that he had not seen Mary Phagan since the Monday prior to her death when she was suspended from work on account of a shortage of material. He stated that he did not work on the Saturday of the murder, but was in the pencil factory to see Mr. Schiff, and talked with Frank only a few minutes after the time when Frank is supposed to have paid off Mary Phagan. He said he did not see Mary Phagan that day. Quinn accounted minutely for his whereabouts and actions on the day of the murder. Had Forgotten Visit. He stated that he had forgotten his visit to the factory on the day of the murder until the Tuesday or Wednesday following, but when he remembered it, he asked Frank if he had better tell the officers. Frank, he said, suggested that he tell his—Frank's—lawyers about it. Upon being asked why he had withheld his story of his visit to the factory from the detectives, Quinn said that he did not want to be questioned by the detectives and drawn into the case. He was questioned about his visit to the Coleman home, where Mary Phagan lived, after the murder, and was also questioned as to the treatment received by girls working in the factory. Miss Hattie Hall, stenographer for Sig Montag, stated that she was at the factory on Saturday morning working for Frank from about 11 o'clock until noon, but did not see Mary Phagan and could throw no light on the mystery. She told how much and the nature of the work she did for Frank on that day. She said she left the factory at 12:02 o'clock. The former testimony of J. L. Watkins to the effect that he had seen Mary Phagan on the street between 5 and 6 o'clock on the afternoon of the murder was broken down when a Miss Daisy Jones told the jury how she had passed where Watkins thought Mary Phagan was at the time the Watkins had designated, and that Watkins probably saw her instead. Watkins, being recalled to the stand, admitted his mistake. Miss Corinthia Hall, who has been an employee at the pencil factory for three years, testified that Frank's conduct toward the girls in his employ was beyond reproach. She said that she left the factory at 11:45 on the morning of the day of the murder; did not see Mary Phagan and had not

seen her since the Monday before when she was laid off from work. The theory that Mary Phagan was slain by a Greek who worked in a nearby cafe, has been disproven and is abandoned by the detectives.