

# FRANK INDICTED IN PHAGAN CASE

He Will Not Go to Trial Before the Latter Part of June, According to Solicitor General Dorsey.

Leo M. Frank, indicted Saturday afternoon for the murder of Mary Phagan, the 14-year-old girl whose dead body was found at 3 o'clock on the morning of April 27 in the basement of the National Pencil factory, will not go to trial before the latter part of June, according to a statement which Solicitor General Hugh M. Dorsey made last night.

Newt Lee, the negro night watchman, who called the police to the place, was left under consideration by the grand jury. A bill of indictment charging him with the same murder was presented to the grand jury with the bill against the factory superintendent, but the grand jury failed to act, and it is believed that his case will be allowed to rest, pending the trial of the indicted man.

#### Both Confined in Tower.

Both Superintendent Frank and the negro, Lee, have been confined in the Tower since they were ordered held by the coroner's jury for the murder of the girl.

In discussing the time of Frank's trial, the solicitor stated that he could not say when it would be started.

"It will not be possible to hold it before the latter part of June," he asserted, "and whether or not it is held then depends on a number of things. I have much work to do to get the case ready and there is also the defense to be considered, as they may secure additional time.

"I do not know what action will be taken in regard to Lee," he replied to a query on this point. "The grand jury still has his case under consideration, but I do not expect them to meet again before June 6.—Of course, they meet whenever they see fit, and may take any action at any time; that rests with them."

The indictment against Frank, which came after a two-days' session, was secured at 12:20 o'clock Saturday afternoon. In all, the grand jury gave about five hours' time to the hearing. After the final witness had left the room, the solicitor remained with them a short time, not over ten minutes. They then went into executive session and he retired to his office. He had barely got to his desk when he was sent for and told that a true bill had been found.

#### Frank Charged With Murder.

The true bill formally charges, "That Leo M. Frank did murder, in that in the county aforesaid (Fulton), state of Georgia, on the 26th day of April, in the year of our Lord, 1913, with force of arms, he did unlawfully and with malice aforethought, kill and murder one Mary Phagan, by then and there choking her, said Mary Phagan, with a cord that he placed around her neck."

The bill of indictment which the solicitor asked against Newt Lee is understood to be practically the same in wording as that which he succeeded in obtaining against Frank.

The probe on Saturday was taken up promptly at 10 o'clock, when the jury sent for Miss Grace Hix, a fellow employee with Mary Phagan, and the girl who first identified her body. A few minutes later she was excused and E. F. Holloway, day watchman at the factory, was called to the stand.

M. B. Darley was then called into the room. He was followed by Court Stenographer Parry, who made an official record of the testimony at the coroner's inquest.

Miss Monteen Stover, who recently told detectives that she visited the pencil factory on South Forsyth street at about ten minutes after noon and waited for ten minutes in Frank's office, was the next witness. She declared that no one was in the office and that she left after coming to the belief that the place was deserted for the day.

Harry Scott, Pinkerton detective, was next called. He was followed by City Detective B. B. Hazelett, and by J. M. Gantt, both of whom are believed to have testified as to Frank's demeanor on the afternoon before the tragedy was discovered. Gantt is one of the men who was arrested on suspicion shortly after the crime, but was cleared and released within a short time.

#### Gheesling on Stand.

William H. Gheesling, member of the firm of P. J. Bloomfield and company, the undertakers who embalmed the body of the Phagan girl, was the next and final witness.

A small crowd of curious people hung about the Thrower building on the final day of the hearing. The general impression was that a decision would be reached during the day and mild excitement prevailed.

In the curious throng was a prototype of the woman who tried to pose as a newspaper reporter at the Grace case. The make-believe newspaper man on this occasion was a young fellow with thick eye-glasses. His active efforts in trying to intercept a conversation between Detective Rosser and Deputy Newton Garner led to his exit from the building half an hour before the true bill was returned.