

# THREE WITNESSES DESCRIBE FINDING MARY PHAGAN'S BODY

## NEWT LEE STICKS TO ORIGINAL STORY DESPITE ATTEMPTS TO CONFUSE NEGRO

Striking Feature of Day's Proceedings Was the Evident Effort on Part of Luther Rosser to Connect Watchman With Crime, or Show He Knew More Than He Has Told.

**DORSEY SAYS DEFENSE IS TRYING TO IMPEACH TESTIMONY OF STARNES**

Mr. Rosser Declared, However, That All He Was Trying to Do Was to Test the Memory of Detective Who Was Among First to Investigate the Murder of Mary Phagan in Factory.

During the second day's proceedings of the Leo M. Frank trial the sensation for which the morbidly curious have been craning their necks failed to materialize.

Nothing that has not been printed in the papers was brought out.

The striking feature of the day's proceedings was the evident effort on the part of Luther Rosser to connect Newt Lee with the commission of the crime, or to show that he knew more about the death of Mary Phagan than he has thus far told. As on the previous day, Lee stuck to his original story, and through hours of what would have been acute torture to a man of refined sensibilities he was stolid in reiterating the details of how he had found the body, and of Leo M. Frank's words and actions on Memorial day, when the murder of Mary Phagan was committed.

**Efforts Fail**

**To Confuse Negro.**

Seasoned courthouse officials and old reporters marveled at the way the negro held out against the crossfire of questions, all aimed to confuse him.

When at a loss to understand a question, he would have it repeated to him sometimes half a dozen times, and then he would illustrate his actions and the actions of Frank by graphic pantomime.

A drawing depicting a cross section of the National Pencil factory played an important part in the day's proceedings. Lee was made to point out on this drawing just what he had done and where he had been in the building the night of the murder. The drawing was difficult for an illiterate person to decipher, but Lee was not confused to any extent, and then only for the moment.

**Trial Progresses**

**Slowly.**

Only three witnesses were placed on the stand Tuesday--Newt Lee, who was testifying when adjournment came Monday; Sergeant Dobbs, of the police force, who went to the pencil factory the morning the body

was discovered, and John Starnes, of the Atlanta detective department, who called up Leo Frank, April 26, and informed him of the murder. When adjournment was had Starnes was still on the stand.

A sharp clash took place between Solicitor General Dorsey and Luther Rosser during the time Starnes was testifying. Mr. Rosser sought to make Starnes recall his exact words while testifying before the coroner's inquest. Mr. Dorsey claimed that this was an effort to impeach the witness. Mr. Rosser replied that it was only an effort to test the memory of the witness.

The crowd Tuesday was considerably larger than that of Monday, and during the afternoon session scores were standing.

Frank maintained the outward calm of the day previous. At one time during Newt Lee's testimony he laughed out loud at some sally of Luther Rosser's.

### Lee Sticks To Story.

During the four hours and forty minutes that Newt Lee, negro night-watchman at the National Pencil factory, was on the stand in the trial of Leo M. Frank for the murder, on April 26, of little Mary Phagan, the negro, although apparently so ignorant and dull that his interrogators had to put their questions in simplest form, and frequently repeat them, stuck literally, word for word, to his statements before the coroner's jury and to officials.

In one or two cases the darkey declared that certain portions of the stenographic report of the coroner's hearing was incorrect, and, despite the grueling and tantalizing cross-fire of Luther Rosser, he hung out for what he declared to be the correct version of his statement.

That there must have been some discrepancies in the record was also brought out by Police Sergeant L. S. Dobbs, who went on the stand Tuesday to tell of answering the negro's call to the station house, also declared that his testimony before the coroner had been taken down incorrectly in part.

### Childishly Particular.

In some instances the negro made corrections of which only the childish mind of an African would have thought. One of these occasions was when he positively swore time and again (and that was whenever he got a chance) that Leo Frank had never used the words, "Go out and have some fun, Newt."

"Nor, sir; Mr. Frank he said, 'Go out and have er good time, Newt,'" the darkey corrected.

Again he swore that when Sergeant Dobbs was reading the murder notes to him and reached the word, "night," that he interrupted with "They's tryin' er lay hit on me," and not "That means me, boss," as reported.

In brief, the story which the darkey told, and hung on to like a loan shark to his victim, was that he reported for duty at the pencil factory on April 26 at 4 o'clock, an hour earlier than usual, but as he had been ordered, on account of the holiday, to do.

He said Frank was there, and told him to go out and have "er good time," and come back later; and that he went, despite the fact that he wanted to lie down and sleep.

### Frank Frightened by Gantt.

Leo said he came back about 5 o'clock and found Mr. Frank there, and soon aided him in the difficult task of refilling the time-clock with a tape. After that he declared he was near the front door, when Frank came out and almost ran into J. M. Gantt, and Frank jumped back and appeared frightened.

Lee said he thought little of the fear at that time, as the superintendent and Gantt had engaged in a row previous to Gantt's discharge, and he thought Frank was afraid Gantt had come there to whup him.

Lee then told of going with Gantt to get the latter's shoes, at Frank's orders, and of being left alone in the building. He said Frank had called him up at about 7 o'clock and asked if everything was all right, and that this procedure was unusual.

He declared that he had punched the clock regularly until he went to the basement about 3 o'clock, and saw the body, and, after finding it to be a real body, and not a dummy placed there to frighten him, how he went to the office and called police station, and then tried in vain to call Mr. Frank.

### Tells How Body Was Found.

Sergeant L. S. Dobbs, who led the party of officers to the pencil factory on the Sunday morning that Newt Lee gave the alarm about the murder of Mary Phagan, was placed upon the stand following Lee. He told of his actions from the time that he started out on the call until he had locked Lee up and had conducted Frank to the basement.

The police officer declared that when he reached the place that Leo was not apparently laboring under excitement, but that he took him in charge at once and made him carry them to the body.

He said that he found the girl lying on her face with blood on the

back of her head and with a cord tied so tightly around her neck as to cut into the flesh and that there was also a piece of underclothing tied loosely around the neck.

The finding of the murder notes, and reading of them to Lee, were next described and then the sergeant told of his finding the girl's missing shoe and hat and of finding an apparent trace where a body had been dragged from the elevator shaft to the spot where it was found.

The reading of the murder notes to the negro was next described in detail, as well as the later developments of the officers who examined the body. Sergeant Dobbs also identified the cord and underclothing found around the child's neck and told of the torn condition of her underclothes and of a black bruise on her left knee and also of bruises on her face.

### Detective Starnes On Stand.

Detective J. N. Starnes was the third witness to be placed upon the stand since the trial began. He was called upon Tuesday afternoon and

made to tell of the various events from the time he accompanied Sergeant Dobbs to the factory until his testimony at the coroner's inquest.

Detective Starnes told of finding the body and to a great extent his testimony was merely a corroboration of what the police officer had told.

It was his testimony in regard to telephoning Superintendent Frank and his declaration that Frank was nervous when he arrived at the factory that brought down upon him the gunfire of the defense.

So fierce was the cross-fire here that Solicitor Dorsey accused the defense of trying to impeach him. This, Attorney Rosser declared he had no intention of doing, however.

Starnes was made to go into detail about the finding of the body, the physical appearance of the basement and of the demeanor of Lee, as well as of the superintendent.

After Starnes was dismissed from the stand there came an argument over the admission of the chart of the pencil factory as evidence, ending with the judge deciding it could be admitted, if all lettering was removed, and court adjourned at 5:07 o'clock.