# Detective Black Muddled By Keen Cross-Examination Of Attorneys for Defense

Detective John R. Black, the officer who went in Rogers' machine from the factory to Frank's residence on the Sunday morning that Mary Phagan's body was discovered, was next put up by the state. He took the stand at 11:45 o'clock, and was Buil there when court adjourned for lunch.

In answers to Solicitor Dorsey's questions he said he had been on the police force for six years and previous to that had worked as a cooper for the Atlanta Brewing and Ice company.

"Do you know any of the directors of this company?" began the solicitor, when he was quickly interrupted by the defense. Despite Mr. Dorsey's the defense. Despite Mr. Dorsey's claim that he had a material end in view, the judge ruled with the defense and without making further ado the solicitor started another line of Black told how he had been waked

Black told how he had been waked up at his home on that Sunday morning and told to report at headquarter and how, after a talk with Lee at the station, he had gone to the pencil factory and from there to Frank's house with Rogers. He told practically what Rogers had

said about Mrs. Frank's appearance at the door and of Frank's stopping from behind a portiore curtain in the "He came out before I got through talking with Mrs. Frank," said the de-

tective. "Frank "Frank was nervous and excited, and talked in a hoarse voice," Black stated in response to queries.

Had Seen Prank Before

Had Seen Frank Before.

He further stated that he had seen Frank twice before and had talked to him once. He said that he saw him about two years ago when he and another officer went to the factory to get a negro, and that he had talked to hir, about eighteen months ago when he went on a similar visit. On being questioned, he stated that at neither time was there anything about his actions to make him think the man his actions to make him think the man

nervous or excitable.

Attorney Rosser frequently interrupted while this testimony was being given and Attorney Arnold, for Frank, also interposed.

"It's rank conclusion when a police officer or any witness is allowed to express his opinion about a defendant's bearing or deportment," objected Mr. Arnold. Judge Roan ruled that Black might

tell what the defendant did and how he acted, giving the facts and not giv-

ncted, giving the facts and not giv-ing his opinion.
"When you went to the factory about eighteen months ago, did you talk to Frank?" asked Mr. Dorsey.
"Yes, sir."
"Vas he nervous or composed?"
"On that accusion there was nothing "On that occasion there was nothing

"On that occasion there was nothing to make me think him nervous,"
"Tell if he was nervous or composed on April 27, when you saw him, and state your reasons," said the solicitor. "He was nervous and showed it by the way he put on his collar and tie," replied the witness.

Tells Dorsey to Keep Pleasant.
"That's another conclusion,"
Rosser broke in.

"Let me examine the witness," the solicitor flung back,

"I've got a right to object," said Mr.

Rosser.
"Go ahead," replied the solicitor, appearing rather nettled.
"All right; but please be pleasant and don't scowl so when I'm doing it,"

and don't scowl so when I'm doing it," replied Rosser.
"Tell what Frank did to make you think him excited," said Mr. Dorsey.
"The way he asked for coffee several

times."
"What about the collar and tie?"
"He couldn't get his collar and tie
on, and rapidly asked questions. He
kept on asking what had happened at
the factory, and I told him he had better dress and go see. His voice was
hoarse and trembling."
"Pid you look at his face?"
"Yes, I was watching him closely."
"How did it look?"
"Pale."
"What did he say about going to the
factory?"

"What did he say about going to the factory?"

"He kept on insisting on getting a cup of coffee, and I finally told him that I had been up until 1 o'clock the night before, and had then been aroused at 4 o'clock in the morning, and hadn't had any coffee or breakfast either. I told him we'd better go to the factory and get through with that."

"What did he say next?" "What did he say next?"
"He again insisted on having some

Mr. Rosser objected hotly to the use of the word "insisted," and succeeded

in having it ruled out.
"Well, how many times did he ask
for coffee?" queried the solicitor, getting his desired information in snother

"He asked for coffee twice at the use and he also asked for it at the house factory,"
"Did ho montion, breakfust at the

I heard him say something

"Yes, I heard blut say something about breakfast to Chief Lanford." "Did Frank give any reason for wanting breakfast or coffee either at

the house or at the factory?"

"Did anything else happen at the house or in the auto?"

"Not that I remember." "What did you, Rogers or Frank say

in the auto?" "I asked him if he knew a girl at the factory named Mary Phagan, and told him she had been found mur-

dered."

"What did Frank say?"

"He said he didn't know the name but would look on the pay roll at the factory and see if it was listed there. I then suggested going by the undertaker's to see if Frank could identify the dand girl. When we got there Rogers, then Frank, and then I went tack to the place where the body was.

"Frank looked at the body and stepped out," the detective continued.

"Did he see the face?"

"He just ensually glanced—"

"Did he see her face?" relterated the selicitor.

solicitor.
"I can't say that he did," replied the witness.

the witness.
"Didn't Gheesling turn the face in his direction?"
"Yes."

"What did Frank do then?"
"He stepped aside; there was a cur-tain there and he stepped back of that."

that."

"When he went behind the curtain could he see the body?"

"No."

"Did Frank ever go into the room where the body lay?"

"When we first came up Frank went right to the door while Gheesling was uncovering the body," Black replied.

"Did he go there again?"

"Not to my knowledge," the witness replied.

replied.
"How long did Frank stay behind the curtain?"
"Just a moment."
"When he came from behind the cur-

tain did he go toward on away from the

"Ho went away from it."
"Ho went away from it."
"Did Frank say anything?"
"Ho said he didn't know the girl, but that from her dress he thought sho

but that from her dross he thought she was one of the girls he had paid off the day before and that he would look on the pay roll and see if the name of Mary Phagan appeared on it."

Black then told of going to the factory with Frank and Rogers and at this time court adjourned until after

Afternoon Session.

The afternoon session began with a continuation of Detective Black's story. He was being questioned by Solicitor Dorsey,
"What did Frank say and do at the

"What did Frank say and do at the factory that morning?"
"He talked with Mr. Starnos, Newt Lee, Mr. Darley and myself."
"Pld you see him go to the clock?"
"Yes. He asked if it had been punched correctly, looked at it, made an examination and said it had been punched correctly up until 2:30 a. m."
"Did Frank state at any time that the clock was accurate?"
"He said on Tuesday that the clock had been passed three times,"
"Did he produce a time slip at that time?"

"Yes, a slip which he gave to Chief Lanford on Monday."
"What became of the slip he had Sunday."
"He carried it into his office Sunday

morning.

"Tuesday

"Who was present Sunday morning when he stated that the slip had been punched regularly?"

punched regularly?"

"Detective Starnes, Chief Lanford, Newt Lee, 'Boots' Rogers and myself."

"Do you know of any date he put on the slip at that time?"

"I couldn't state."

"When did you first hear Frank state the slip was incorrect?"

Not Positive of Date.

"I am not prepared to swear, Mr. Dorsey, It was Wednesday or Monday, one or the other."
"Who was being held at that time under suspecton of the crime?"

"Newt Lee."
"Frank was not then under arrest?"

"When was he arrested?"
"Tuesday morning, at

o'clock."

about 11:30

o'clock."
"What were the inaccuracies he quoted from the slip?"
"10 p. m., 11:30 p. m., and—I can't recall the others."
"Did Frank send for counsel before he was put under arrest?"
"Monday morning Horbert Haas and Attorney Rosser were at the pencil factory." Inctory

Attorney Arnold Interrupted here, declaring that the question was irrelevant. Solicitor Dorsey said in an-'llere is a man not charged with

anything employing counsel before his arrest. My intention is to show his conduct in every respect."

Judge Roan sustained the solicitor.
"Mr. Black, please state when Frank
first had counsel," he put.

"On Monday morning. Frank went

An objection, was made by the deonse, which was overruled. Black continued: Attorneys at Frank's Home.

Attorneys at Frank's Home.

"At 8:30 o'clock Monday morning Attorney Rosser came to police head-quarters. Detective Haslett and I went to Frank's home. I asked him to come to headquarters to see if he could throw any light on the murder. He got to the station within thirty minuies. On the way downtown we talked to Ben Felt. We reached the station house at 8:30 o'clock."

"What was there?"

"In a few minutes Mr. Rosser came in, Herbert Hans following him a moment later."

"Did you hear Haas make a statement in Frank's presence?"

"Yes, Hans demanded Chief Lanford and the detectives to search Frank's residence."

"Was Frank under arrest at that time?"
"No."

"Was he restrained of his liberty?"

"No."
"What were Hans' grounds for making such a demand?"
"He said he was Frank's attorney, and was entitled to demand a scarch."
"What time was that?"
"About 11:30 a. m."
"With whom did Attorney Rosser confer?"

'Leo Frank,"

Frank's Talk With Lee.

"Do you know what took place be-tween Frank and Lee on Tuesday night?"

night?"
"Detective Harry Scott and I had a falk with Lee. We talked with Frank, and I suggested he take Lee in a room and try to get something out of him. They went together in a locked room, and stayed 6 or 10 minutes."
"Did you hear what was said?"
"Some. I could not hear perfectly, though—not enough to swear to what I did hear."

I did hear.' "Did vou talk with Frank after he had been in the room with Lee?"
"We went inside where they sat, and

frank said Newt stuck to his story, lie said he told the negro that it looked like he know something, as no one was in the factory but him that night. He said he could get nothing out of him."

"Did you talk with Frank in reference to getting data on the murder? It so, what did he suggest?"
"In a way, he seemed to suspect Lee and Gantt."
"Who else?"
"He said no one was there from he

"Whe else?"
"He said no one was there from 8
p. m. but Lee, and that the negro
should know something of it. He also
stated that Gantt had been there that
Saturday afternoon."
"Subsequently, was Gantt arrested?"
"Yes. The conversation with Lee was
after Gantt was arrested."
"When did Frank Gart say anything

"When did Frank first say anything about Gantt?"
"Monday."
"Was this before or after Gantt's arrest?"
"Before."

"Before."
"Did he mention anybody clea?"
"Yes, Jim Conley."
"After you and Haslett arr
Frank did you talk to him any?"
"Yes. On several occasions."

Frank's Demeanor.

"Did you observe his demeanor?"
"He seemed to be a little nervous, as just any man would be who had been strested."

Brrested."
The solicitor protested that the latter part of the detective's answer be ruled out. Judge Roan held that the statement would remain in record.
"Well, I will go a step further," said Dorsey. "Was Newt Lee nervous when he was arrested? This is over our objection. What I want to show is that Lee was calm under arrest for the identical crime. Did you observe Frank's appearance and conduct the day of his arrest?"
"Yes."

"Was he excited? If so, toll why you think he was excited."
"On Monday Frank was joylal and friendly..."

Counsel for the defense objected to the word "friendly" being sustained by Judge Rean, who held that the word could be construed in many Black continued:

"On Tuesday he was sullen, and unwilling to talk?"
"Yhat did he do?"
"He refused to talk, when previously he had been jovial and talkative."
ROSSET BEKING CROSS-EXEMINATION.

Attorney Rossor began the questioning at this juncture.
"You didn't release Mr. Frank until the word was given from the chief of detectives, did you?"
"If suppose not."

"Do you mean anything by the word release?" "I spoke before I thought, when I uttered it."

"Wasn't his dotainment equivalent to arrest?"
"I can't say so." enn't say so."

"Then, you retract a thing you said under onth?"

"Yes, I retract the word 'release.' "
"Wasn't it it o'clock before I got to
the station?" "No. I know that you got there between 8:30 and 8 o'clock."

"Didn't you swear a while ago that was there at 11?"
"I won't swear it."
"Were you in the room when I got there?"
"I was in the hallway."

Deuten Lanford Spoke Houghly. "Didn't I say, 'Frank, what have they sot you for?' and he answered, 'they want me to make a statement'? Didn't I say, 'give it to them'? Didn't Ian-

"Yes."

Sive it to them'? Didn't Ianford say 'come on in here,' like he was snarling at a negro?"

"No. He didn't talk that way."

"Didn't I say I was going to be present during the examination merely in order to hear what he would say?"

"Yes."

"You also know that I didnt say a word to him?"
"No. I wasn't inside the room,"
"You wanted to talk to him by yourself, didn't you?"

"Yes."
"Finally, after being released, Frank went home unmolested?"
"Yes, but he wasn't 'released,' as you call it."
"You swere so, didn't you?"
No answer came from the witness,
"Frank was a witness before the inquest, wasn't he?"
"Yes."
"He answered every question

"He answered every promptly and willingly?" "So far as I know." "It isn't true that he d

declined to

make any statement?"

Black's "Recollection."

The witness gave no reply to this question. It was directly withdrawn.
"Who was present when you talked to Frank on the time previous to Sunday?"

I don't remember."

"What did you say just now-?"
"George Bullard-I just now recol-"You heard Starnes talk over the phone with Frank?"
"Yes."

"Yes."
"What time was it?"
"Some time after 6 o'clock—about
16, 1 suppose."
"You'ro depending entirely upon

our recollection, aron't you?"
"Yes."

"Then, why is it you recollect so well some things and fail so badly in others?

Others?"
Question unanswored.
"You can't remember exact words
used, can you? Did the conversation
take place at 5 o'clock?"
"I don't know exactly."

"What time did you get to the Se-lig home?"
"I don't recollect perfectly." ilg home?"
"I don't recollect perfectly."
"Why did you wait to tell Frank of
the murder until you had got away
from his home?"

"I had talked with Newt Lee, and therefore wanted to question him."
"In fact, you had no reasons for deing it?"
"Yes, I had soveral. "Haven't you a way of writing down things you wish to remember?" "Yes."

Reters to Grace Case. With a smile, Rosser turned to Reuben Arnold, his associate, remarking:

That's the way they did it in the Grace case."

Grace case."

"Hurry and scurry," he said to the witness, "is an enemy to memory, isn't it?"

"Yes," the detective compiled.

The attorney again turned to Arnold, saying:
"He draws conclusions: I'm sorry for

htm." nim."
"Did Frank dress in front of you?"
he asked Black.
"Yes."
"What sort of tie and collar did he

'I don't remember?" "You don't remember!" mocked the attorney in sarcasm. "Did Rogers go anywhere in the Se-

lig home? "How long did you stay there?"
"No longer than ton minutes."
"Frank went along willingly with
you and talked freely, didn't he?"
"Yes."

"Tell me, did either you or Frank go into the room where the body lay at the undertaker's?"
"No."

"Frank had an opportunity to view

the body, didn't he?"

"As a matter of fact, didn't you and rank go out of the room together?" "No."

"You were in same relation to the

"I don't think so,"
"Didn't Frank say he thought the body was that of a girl he had paid off Saturday?"

off Sa. "You went to the factory with Frank and watched him go to the safe

Phagan?"

"Yes."

"You went into the metal depart-

ont. Who else went with you? "Several others."

No Blood in Hallway, "Did you see any blood in the hallway?" "No."

"The factory stayed open that Sunday until about 12 o'clock didn't it?"
"I don't know."

"Starnes went over the factory-who else?" "Chief Lanford."
"Nobody discovered any blood that

'No."

"You saw Mr. Frank at the clock."
Did he have to open the clock?"
"He opened it."
"Was Darley there?"

"I don't know,"
"Didn't Frank and Darley both say

the slip was punched properly?"
"I don't know."
"Did 'Boots' Rogers hold the lever?" "I don't know."

"How long did you keep Mr. Frank at the station Monday?"
"Until about 11:30 o'clock."
"The officers got after Gantt early that Monday, didn't they?"
"Yea."

"Before Frank was carried to the station?

"I don't think so," Intimation Against Gautt.

Intimation Against Gautt.
"Frank Intimated Gautt had been caught stealing, didn't he?"
"I think so."
"Woren't You present when Frank revealed his under linen to me at pulico headquarters that Monday?"
The solicitor entered protest to this question, holding it inadmissible because evidence of such a nature had not hitherto been introduced.
"Tuesday morning about 10 o'clock."

not hitherto been introduced.
"Tuesday morning about 10 o'clock."
After much argument, Stenographer Parry, who had noted the morning teatimony, was called into the courtroom to read that part of the detective's statement wherein there was possibility of the evidence of the character protested by Dorsey. He read, at the suggestion of the defense, that portion pertaining to the demand made by Haas to search Frank's home.

Attorney Rosser said:
"I want to show circumstances which promoted Haas' demand."
Dorsey's reply was:

Rosser seeks to introduce examination of the defendant's person. The law prohibits such an examination." Counsel for Defense Sustained, Counsel for the defense was

Dorsey's reply was:
"There is no evidence yet intro-duced that Frank's home was searched.

"Wore you present during this ex-amination?" Black was asked.

Continued on Page Three,

### DETECTIVE MUDDLED BY CROSS-EXAMINATION

## Continued Trom Page Two.

"I don't recollect that I was."

"You were there when Mr. Han:

made his demand, weren't you?"

"I was at police headquarters, but was on the outside of Chief Lanford'i office."

"Didn't I, myself, demand Haas to go with you?"

"I didn't hear it if you did."

"Didn't you testify just now Haas, in my presence, had made the demand?"

"I did not say in your presence."

"Wasn't I there?"

"I did not see you."

"In accordance with Haas' demand didn't you go to the Frank home?"

"Yes, I went and examined his laundry."

"You also went to Lee's house?"

"Yes."

"What did you find?"

"A bloody shirt."

"Where is it?"

"Mr. Dorsey has It."

Shirt Produced in Court.

Counsel for the defense asked that the shirt be brought into view. It was produced by the state,

"Is that the shirt, Mr. Black?" asked Rosser, holding the crimson-spotted garment to view.

"Yes, sir,"

"What time did you find it?"

"Tuesday morning about 10 o'clock?" "Did Newt Lee say it was his shirt?"

Solicitor Dorsey objected and was austained by Judge Roan. He then began questioning the detective.

"Where was Newt Lee when Frank

visited his (Frank's) house?"

"Locked up."

The solicitor explained to the court that he wanted to show that Frank was trying to point the finger of suspleion at Lee: that after his (Frank's) home had been searched, he insisted that Lee's house be inspected.

#### Bloody Shirt a "Plant."

"Our contention," he said, "is that this shirt is a plant."

want to show." al 50 "that continued. he said the time clock was correct one day, and, two days later, said it was incorrect, and---"