

MARY PHAGAN MURDERED WITHIN HOUR AFTER DINNER

Witnesses Called to Stand to Testify Against Frank



Photos by Francis E. Price, Staff Photographer.

From left to right: Mrs. George W. Jefferson, who was a witness on Thursday morning; R. P. Barrett, who testified to finding Mary Phagan's pay envelope and strands of her hair, and Mrs. Maggie White, who told of seeing strange negro in pencil factory on afternoon of crime.

**DR. H. F. HARRIS
GIVES STARTLING
EVIDENCE ABOUT
TIME OF MURDER**

Wound on Eye of Girl Victim of Pencil Factory Crime Looked as if It Came From Blow of Fist, Secretary of State Board of Health Tells the Jurymen.

**WHILE ON THE STAND
DR. HARRIS COLLAPSES
FROM RECENT ILLNESS**

Frequent Clashes Take Place During Testimony of N. V. Darley, Assistant Superintendent of National Pencil Factory, Over the Alleged Nervousness of Frank.

Within three-quarters of an hour after she had eaten her frugal breakfast of cabbage and bread, Mary Phagan was dead.

This startling fact was brought out at Friday's session of the Leo M. Frank trial, when Dr. Roy Harris, secretary of the state board of health, took the stand to tell of the post-mortem examination he performed on the body of the child.

The time of the murder has always been a mooted question. When Dr. Harris made his declaration and exhibited a small bottle containing particles of cabbage, which had been taken from the stomach and which had not had time to digest, a thrill went through the court room.

**Crowd on the
Qui Vive.**

As soon as Dr. Harris entered the court room during the afternoon session, the crowd seemed to sense the dramatic situation which was to follow.

It was pretty generally known that Dr. Harris had made an examination, but the result of this examination was not known.

When he came into the room, carrying a small physician's satchel and looking slightly pale from a three days' illness, all eyes were turned toward him.

What would he testify to? This was the question each asked his neighbor.

Dr. Harris briefly told of his medical experience and then proceeded to explain the details of his examination of the dead girl's body.

**Cabbage Found
In Stomach.**

He stated that he had found in the stomach of the girl particles of undigested cabbage and he exhibited a bottle containing them. He said in reply to a direct question that the condition of the cabbage showed she had met her death within a half to three-quarters of an hour after she had eaten this food. He also displayed a bottle of fluid taken an hour afterward from the stomach of a man who had eaten cabbage and bread. None of the cabbage was visible.

Dr. Harris was emphatic in his statement that Mary Phagan must have met her death from one-half to an hour after she had eaten.

He also described the wound on the dead girl's head, and said she must

have been struck an upward blow. The blow on the eye, he said, looked as if it had been inflicted by a person's fist.

Commenting on the general condition of her body he said he could not tell whether she had been outraged, but there were evidences of violence indicating it.

Dr. Harris had been on the stand but a few moments when he was taken with a fainting spell and was compelled to leave the stand. The defense did not have an opportunity to cross-question him. In fact, Solicitor Dorsey had not finished the direct examination when he left the room. He will resume his testimony as soon as his physical condition will permit.

The state expressed satisfaction at the testimony of Dr. Harris, and Mr. Dorsey was particularly pleased. Speaking of the turn of affairs he said:

"It is perfectly plain sailing from now on. We have a mass of evidence and it is only a question of knitting it together"

Mrs. Coleman's Testimony.

As soon as Dr. Harris had made his startling statement in regard to the time of Mary Phagan's death, the minds of those in the court room reverted to the testimony of her mother, Mrs. J. W. Coleman, who, earlier in the week, had told of the little girl having eaten cabbage for breakfast the morning before she was killed.

Frequent Clashes Occur.

Frequent clashes took place between opposing counsel during the testimony of N. V. Darley, assistant superintendent of the National Pencil factory. The point at issue was the nervousness of Frank on the morning following the murder. Darley testified that Frank was very nervous. On cross-examination he said he had seen him equally as nervous on two other occasions.

During the introduction of the time slips as evidence, Frank appeared to lose the calm which has been his marked characteristic during the trial. In fact, the long hours in court seem to be telling on him.

Albert McKnight, husband of Minola McKnight, and who made a sensational affidavit and afterward retracted it, and who cooks for the Franks, testified that on the day of the murder he was in the Frank kitchen; that he saw Frank come in the dining room, but did not see him at anything. He stated Frank spent several minutes in the room at the sideboard and then left the house, taking a car at Pullam street and Georgia avenue.

Luther Rosser riddled McKnight's testimony and endeavored to show it was impossible for him to have seen from the kitchen into the dining room.

"What is your position with the company?"

"I am general superintendent and director of the company."

"How long have you held that position?"

"In Atlanta I have held that position since August 10, 1908. My place of business is at 27 to 41 South Forsyth street."

"About how many employees have you there?"

"About 107 in that plant?"

"Male or females?"

"Mixed. I guess there are a few more girls than boys."

"On Saturday, April 26, I will get you to state if that was a holiday with your company?"

"Yes, sir, it was a holiday. The factory was shut down."

Several People in Building.

"Who was in that building during the day?"

"Well, there were several people who come in during the morning."

"Was anyone in the office with you up to noon?"

"Yes, sir, the office boy and a stenographer."

"What time did they leave?"

"About 12 or a little after."

"Have you a day watchman there?"

"Yes, sir."

"Was he on duty at 12 o'clock?"

"No, sir, he left shortly before."

"Who came in after the stenographer and the office boy left?"

"This little girl, Mary Phagan, but at the time I didn't know that was her name. She came in between 12:05 and 12:10, maybe 12:07, to get her pay envelope, her salary."

Frank Pays Mary Phagan.

"You paid her?"

"Yes, sir, and she went out of the office."

"What office was you in at that time?"

"In the inner office at my desk, the furthest office to the left from the main office."

"Could you see the direction she went in when she left?"

"No, sir, it was impossible."

"What was your impression?"

"My impression was she just walked away; I didn't pay any particular attention."

"Do you keep the door locked downstairs?"

"I didn't that morning, because the mail was coming in. I locked it at 1:10 when I went to dinner."

"Was anyone else in that building?"

"Yes, sir, Arthur White and Harry Denham. They were working on the machinery, doing repair work, working on the top floor of the building, which is the fourth floor, toward the rear, or about the middle of the building, but a little more to the rear."

"What kind of work were they doing?"

"They were tightening up the belts; they are not machinists, one is a foreman in one department and the other is an assistant in another, and Denham was just assisting White, and Mrs. White, the wife of Arthur White, was also in the building. She left about 1 o'clock. I went up there and told them I was going to dinner, and they had to get out; and they said they had not finished, and I said 'How long will it take?' and they said until some time in the afternoon; and then I said, 'Mrs. White, you will have to go, for I am going to lock these boys in here.'

Door Was Locked.

"Can anyone from the inside open those doors?"

"They can open the outside door, but not the inside door, which I locked."

"In going in the outside door, is there any way by which anyone could go in the basement from the front?"

"Yes, sir; through the trap-door."

"They would not necessarily have to go up the steps?"

"No, sir; they couldn't get up there if I was out."

"You locked the outer door?"

"Yes, sir; and I locked the inner door."

"What time did you get back?"

"At 3 o'clock, maybe two or three minutes before, and I went to the office and took off my coat and then went upstairs to tell those boys I was back; and I couldn't find them at first, they were back in the dipping room, in the rear, and I said, 'Are you ready?' and they said, 'We are just ready;' and I said, 'All right, ring out when you go down, so let me know when you go out;' and they rang out, and Arthur White come in the office and said, 'Mr. Frank, loan me \$2,' and I said, 'What's the matter? We just paid off,' and he said, 'My wife robbed me,' and I gave him \$2 and he walked away, and the two of them walked out."

Newt Lee Arrives.

"And you locked the doors behind them?"

"I locked the outer door; when I am in there, there is no need of locking

the inner door. There was only one person I was looking for to come in and that was the night-watchman."

"What time did he get there?"

"I saw him twenty minutes to 4."

"Had you previously arranged for him to get there?"

"Yes, sir. On Friday night I told him, after he got his money. I gave him the keys and I said, 'You had better come around early tomorrow, because I may go to the ball game;' and he came early because of that fact. I told him to be there by 4 o'clock, and he came twenty minutes to 4. I figured I would leave about 1, and would not come back; but it was so cold I didn't want to risk catching cold, and I came back to the factory as I usually do. He came in, and I said, 'Newt, you are early,' and he said, 'Yes, sir; and he had a bag of bananas with him, and he offered me a banana; I didn't see them, but he offered me one, and I guess he had them. We have told him, once he gets in that building never to go out. I told him he could go out; he got there so early, and I was going to be there. He came back about four minutes to 6; the reason I know that, I was putting the clock slips in, and the clock was right in front of me. I said, 'I will be ready in a minute,' and he went downstairs, and I came to the office and put on my coat and hat and followed him and went out."

Saw Newt and Gantt Talking.

"Did you see anybody with him as you went out?"

"Yes, sir; talking to him was J. M. Gantt—a man I had fired about two weeks previous."

"Did you have any talk with Gantt?"

"Newt told me he wanted to go up to get a pair of shoes he left while he was working there, and Gantt said to me, 'Newt don't want me to go up,' and he said, 'you can go with me, Mr. Frank,' and I said 'that's all right, go with him, Newt,' and I went on home, and I got home about 6:25."

"Is there anything else that happened that afternoon?"

"No, sir; that's all I know."

"You don't know what time Gantt come down after he went up?"

"Oh, no; I saw him go in and I locked the door after him, but I didn't try them."

"Did you ask Newt?"

"Yes, sir. I telephoned him. I tried to telephone him when I got home. He punches the clock at half hour intervals, and the clock and the phone is in the office, and didn't get an answer, and at 7 o'clock I called him and asked him if Gantt got his shoes, and he said yes he got them, and I said is everything all right, and he said yes, and the next thing I knew they called me at 7:30 the next morning."

Did Lee Let People In?

"Do you know whether your watchman, at any time, has been in the habit of letting people in there, any time?"

"No, sir."

"Have you ever heard of it?"

"No, sir."

"Did you ever have any trouble with any watchman about such as that?"

"No, sir."

"Do you know whether any of your employees go there at night?"

"Yes, sir. Gantt did when he was working there; he had a key and sometimes he would have some work left over. I never have seen him go out until I go out; I go out and come back, but he has come back before I left, but that is part of his duty."

"Did you take a bath yesterday or Saturday night?"

"Yes, sir. Saturday night at home."

"Did you change your clothes?"

"Yes, sir."

"The clothes that you changed are at home?"

"Yes, sir; and this is the suit of clothes I was wearing Saturday. After I left the shop I went to Jacobs' Pharmacy and bought a box of candy for my wife, and got home about 5:25."