

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 Superin-
tendent of National Pencil
Factory, Over the Alleged
Nervousness of Frank.

Within three-quarters of an hour
after she had eaten her frugal break-
fast of cabbage and bread, Mary Pha-
gan was dead.

This startling fact was brought out
at Friday's session of the Leo M.
Frank trial, when Dr. Roy Harris, sec-
retary 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 ex-
hibited a small bottle containing par-
ties 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 ses-
sion, the crowd seemed to sense the
dramatic situation which was to fol-
low.

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, car-
rying a small physician's satchel and
looking slightly pale from a three
days' illness, all eyes were turned to-
ward him.

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

Dr. Harris briefly told of his med-
ical 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 undi-
gested 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 after-
ward 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 Minnie 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 Pulliam 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 came 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 12:00 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."

"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 stairs?"

"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 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 Gant Talking.

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

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

"Did you have any talk with Gant?"

"Newt told me he wanted to go up to get a pair of shoes he lost while he was working there, and Gant 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 Gant 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 Gant 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 my watchman about such as that?"

"No, sir."

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

"Yes, sir. Gant 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."