

Schiff Put on Stand to Refute Conley and Dalton Testimony

HIS STATEMENTS HELP DEFENSE

Conley and Dalton Testimony

Herbert G. Schiff, assistant to Leo M. Frank at the National Pencil factory, followed J. H. Mtnar on the stand Saturday. His testimony was used by the defense in an effort to refute the stories of Jim Conley and C. B. Dalton to the effect that Frank frequently had women in the office on Saturdays and holidays and he also went into great detail and testified to the complexity of the financial sheet and the large amount of work necessary to complete it.

He was being cross-examined by the state when court adjourned at 12:30 o'clock until 9 o'clock Monday morning. At the time of adjournment the solicitor was trying to show by cross-questions that the witness had exaggerated the amount of work and the time required upon the financial sheet which it is claimed Frank made out on the Saturday before the murder was discovered.

"Do you have anything to do with keeping the books and getting up the financial statement?" Mr. Arnold began.

"Yes, I do."
"Who went to work for the factory first, you or Mr. Frank?"
"Mr. Frank."

"What sort of work did you first do?"
"I assisted in the office work of the factory and early in January was promoted and went on the road, then the office force got short and I offered my services in the office again and returned to help Mr. Frank."

The witness then stated that he and Frank handled the petty cash for drayage and other incidentals.

"Where do you get the cash for your payroll?"
"From the bank on a check of the National Pencil company, signed by Sig Montag, general manager."

"Do you draw more or less than the amount of the payroll?"
"We draw a check to meet the payroll to the penny."

"Who usually got the money from the bank?"
"I did."

"How much cash is usually kept on hand in the office?"
"About \$25 to \$50 for incidentals."

"What are some of the things for which you spend it?"
"Drayage, kerosene for the night-watchman, soap, candles and other things like that needed around the factory."

"When do you and Frank get paid?"
"On the last of the month."

Frank Paid \$150 a Month.
"What is Frank's salary?"
"It is \$150 per month."

"What do you get?"
"My salary is \$80 a month."

"Where does the general manager, Sig Montag, stay?"
"His office is at Montag brothers' place, four blocks away."

"Where is the paying of bills and the banking of the money for the National Pencil factory done?"
"At Montag brothers'."

"Did you or Frank ever draw any checks on the name of the pencil company to pay bills or for anything else?"
"Neither of us had any authority to sign a check for the National Pencil company."

"What does this financial sheet show?"
"It tries to show the profit and loss for the week."

The witness was then shown the financial sheet and with him Mr. Arnold went into great detail about the getting up of the sheet and the tedious operations it entailed.

"How long had it been customary to get this sheet up on Saturdays?"
"Ever since the factory had been in existence."

"What part of the work do you do on the sheet?"
"I get up reports from the different foremen on the amount of materials used, and also to supply the total of the payroll."

"Since June, 1912, how many days have you missed from work?"
"Not a day."

"How about your vacation?"
"Oh, yes, I took a vacation last year. I had the last week in July and the first week in August."

"What were your hours on Saturdays? Were you there in the afternoons?"
"My custom was to leave at 11:15 and get back at from 2:15 to 3 o'clock on Saturday afternoons."

"How about Frank?"
"He would leave at 1 and get back at 3."

Never Locked Doors.
"Did you or Frank ever lock the doors when you were at work in the office?"
"No, we never did."

"Did the stenographers ever work on Saturday?"
"Very seldom."

"Did salesmen come in on that day?"
"Yes, frequently."

"Who all worked there on Saturday afternoons?"
"Men who oiled and repaired the machinery and others who swept up."

Conley around the factory on Saturdays?"
"No, I've never seen him there; then."

Denies Presence of Women.
"Did you and Frank ever have women up there on Saturday?"
"No."

"Between June, 1912, and April, 1913, did you ever miss a Saturday at the factory, except while you were on your vacation?"
"Not one."

"You went on the road early in January, didn't you?"
"Yes, I left the first Saturday in January."

"What time were you there that afternoon?"
"I was there from noon until about 5 o'clock, when Mr. Frank went with me to the train."

"Did you see Conley there that day?"
"No."

"Did you ever see C. B. Dalton around the factory?"
"No."

"Do you know a woman named Daisy Hopkins?"
"Yes, she used to work at the factory."

"Do you remember when she left?"
"No, I do not, I only remember that there was such a woman there at one time."

Mr. Arnold then produced the pencil company's payroll book and asked the witness to say when the woman started and when she left.

"This book starts on May, 1912, and according to it she was working there then, but her name is not on the payroll after the week of June 6, 1912."

Woman Never Returned After Hours.
"Did you ever see her come back to the factory alone or with anyone else after work hours?"
"No."

"On last Thanksgiving day do you recall what happened and who was in the factory during the afternoon?"
"Yes, Mr. Frank and I and Conley and an office boy named Frank Paine were there. I had Conley and the boy go to the fourth floor to clean it up that morning and Conley left at about 10:30."

"Did you and Frank leave together?"
"Yes."

"At what time?"
"At 12:30."

"Where did you go?"
"We went to Whitehall and Alabama to get our cars."

"Who got a car first?"
"Mr. Frank caught a Washington street car and left me and my car came a few moments later."

"Who paid off the help on Friday, April 25?"
"I did."

"Do you remember if Helen Ferguson got her pay that day?"
"I do."

"Who paid her?"
"I did."

"Do you remember her or any other girl asking for Mary Phagan's pay that day?"
"No."

"To whom would such a person have gone?"
"To me."

"Were you at the pay window where you usually stand?"
"I was."

Dorsey's Remark Hated Out.
"Don't lead him; he's willing enough," interrupted Mr. Dorsey.

"Your honor, in the first place I deny that I'm leading him, and in the second place, I want that remark of Mr. Dorsey's struck off the record."

The judge ordered the jury to forget that Mr. Dorsey had ever said, "He's willing enough," and the examination went on.

"Did you see anybody go to Frank for pay?"
"No."

"Was there any reason why anyone should have?"
"No."

"Did you expect the employees to come for their pay Saturday?"
"No."

"Could they get their pay, though, if they came?"
"Yes, if the paymaster happened to be there."

"Did you finish up your work on the financial sheet Friday, April 25?"
"No."

"Did you go to the office on Saturday?"
"No."

"Why?"
"I overslept."

"Did your absence and failure to complete your work make it harder or easier for Frank to complete the financial sheet?"
"It made it harder."

Then the witness and Mr. Arnold went over the details of the paste-board model of the National Pencil factory. The witness next identified the financial sheet, claimed by the defense to have been worked up Saturday by Frank. Schiff identified the handwriting as that of Frank's.

"Is that sheet from the data from which it was taken?"
"Yes, it is."

Then spreading the sheet before the jury the witness and attorney went through all the details required to get it up and Schiff pointed out the intricate calculations required and the amount of tedious detail necessary. He stated it usually took about three hours to finish it.

He next stated that he believed two and a half hours would be the very shortest time in which the sheet could

possibly be gotten up.
Then Mr. Arnold took up each financial sheet made from June, 1912, to the one above mentioned and Schiff identified each one as being in Frank's handwriting. He answered the questions rapidly and showed a complete knowledge of the subject.

"Did you know a girl named Mary Phagan?" was next asked.
"I know there was such a name on the pay rolls, but I would not have known her from any one of the other girls in the factory."

No Scratches on Frank.
"Were there any scratches on Frank's face or arms when you saw him Sunday?"
"No."

"When things went wrong about the factory how did Frank act?"
"Mr. Frank was extremely nervous."

"When trouble came up who untangled things?"
"Mr. Darley or I."

"How did Frank show his nervousness?"
"By trembling."

"Do you recall the day that a street car upon which Frank was riding ran over a little girl?"
"I do."

"How did Frank act?"
"He was so nervous I had to give him ammonia; he wasn't any good the rest of the day."

"You know Jim Conley?"
"Yes, since he came to work there at the factory."

"What sort of a negro is he?"
"There's very little to him."

Mr. Hooper objected and the question was changed.
"What sort of work does he do?"
"He ran the elevator and swept up."

Conley's Character Bad.
"What was his character?"
"It was bad."

"Would you believe him on oath?"
"No, I would not."

Mr. Arnold then showed Schiff the murder notes and the tablet found near the girl's body.

"Where can you find articles such as these?" he said, pointing to the tablet and the note written on a piece of tablet paper.
"Anywhere in the basement."

"Where would you expect to find paper such as this note is on?" the attorney then asked, pointing to the note written on a duplicate order blank of the National Pencil company.

"Almost anywhere in the building."
"Were these blanks in use at the time of the murder?"
"No."

"Where were these blanks kept?"
"In the outer office of the factory."

"Did you hear Frank and a Mr. Ursenbach talking over the telephone on Friday, April 25?"
"Yes."

"What did you hear?"
"I heard Mr. Frank say, 'All right, Charlie, I'll go with you.'"

"To what were they referring?"
"To going to the ball game that afternoon."

"Can you see the clock from Frank's office?"
"Only part of it."

"When the safe door is closed, can you see the clock?"
"No, you can't see it at all, then."

"Could a girl the size of Monteon Stover see over the safe door?"
"No."

"What happened on Tuesday between you and Conley?"
"Tells of Conversation With Conley."

"I saw Conley in the factory and he seemed to be trying to conceal himself and I asked what he was doing there and he said he was afraid to go out and that he would give a million dollars if he were a white man, that he would go out if he were. I told him that being a white man didn't help, that Mr. Frank had been arrested and that if he is innocent he had better go on and not be afraid."

"Did you ever see women in Frank's office?"
"No."

"How is the office arranged? Can you see in it when the door is closed?"
"Yes, the door is made of clear glass on the upper half and any person can see right into the office."

"Does the elevator make a noise when it runs?"
"Yes."

"Is the switch box to the motor kept locked?"
"No, we used to do that but sometime before the murder we were ordered by the insurance people to leave it unlocked."

"Did you ever excuse Conley's not registering?"
"No, I have frequently got after him about it and even docked him for it."

Frequently Saw Blood Spots.
"Did you ever see any blood spots up there?"
"Yes."

"What were they?"
"Well, the employees frequently cut their fingers and when they did they came to the office where we kept a box of things to tie them up unless the cut was so bad we had to send for a doctor."

"Did you see where Barrett found the blood spots?"
"Yes."

"Was it or not on a line, I mean in the route people would have to take from the metal room to the office?"
"It was."

"Did you see the hair found up there?"
"Yes."

"Could you tell its color?"
"No, I could not."

"Did you see the spot where Conley claims he found the girl's dead body?"
"Yes."

"Was there any blood there?"

"There was none."
"Was the place wet, or had there ever been any water there?"

"The place was dry; there never had been any water there and to my knowledge it had not been washed and scrubbed in the four years I worked there."

Squabble Over Question.
Mr. Dorsey took up the cross-examination.

"Did you see Mr. Gheesling, the undertaker, on the Sunday that the body was found?"
"Yes."

Mr. Dorsey then asked the witness if he had not told Gheesling that Mary Phagan would have shortly been confined. He replied hotly that he had not said it.

Mr. Arnold rose at once and entered an objection, asking the court to rule out everything pertaining to that. He said that the physicians for the state had testified that such was not the case.

"Your honor," said Mr. Dorsey, "I know as well as does Mr. Arnold that such was not the girl's condition, but I want to show that this witness did say that about her and I want to show that he was inspired by Frank to say it."

After further argument the matter was ruled out.

"Did you know that Mrs. J. A. White had told of seeing a negro around the factory that Saturday?" Mr. Dorsey then asked.

"Yes."
"Was Sam Howlett, a private detective, there in conference with you and Frank Monday?"
"He was not."

"Do you mean to deny that Howlett was there?" replied the attorney.
"He was there, but not as a detective; he was there as a night watchman."

"Did you tell any city detective about what Mrs. White had said about seeing a negro?"
"Before the witness could reply Mr. Arnold had this question ruled out, on the ground that Frank should not be bound in any way by what anyone else had told or concealed from city detectives."

Admits Frank Was Anxious.
"How many times on Monday did Frank telephone you and ask you to arrange to get the Pinkertons on the case?"

"Several times."
"Wasn't he very anxious?"
"Yes, he appeared anxious; he said he thought the factory owed it to its employees to try to find the murderer and that he wanted me to take the matter up with Mr. Montag and see if he would employ a detective agency and that he would suggest the Pinkertons."

"Was Frank sick at home then?"
"He was at home, but not sick."

"Were you at the factory?"
"Yes."

"When it was full of detectives?"
"There were none there when he telephoned."

"When did the city detectives come?"
"When they were telephoned about the finding of blood spots."

"When did Frank first telephone about the Pinkertons?"
"About noon."

"How often after that?"
"He telephoned at about 12:30 and again at about 1."

"Did Frank talk much about his nervousness and try to explain it?"
"I wouldn't say that."

"In your affidavit made to B. S. Smith, didn't you say that Frank often referred to his nervousness and tried to explain it?"
"I said something about his being nervous."

"Didn't you declare on oath that he had told you about being jerked away from home and carried to see the body?"
"Yes."

"What did he tell you about breakfast?"
"He said that having to leave without breakfast was one of the reasons why he was nervous."

No Stenographer at Factory.
"The factory had been without a stenographer for quite a while about the time of the murder, hadn't it?"
"Yes."

"What was the condition of the work as regards the work of a stenographer?"
"It had accumulated to a certain extent."

"How long does it take to do the billing?"
"From seven to eight minutes."

"Didn't you tell the coroner under oath that it did not take over half an hour?"
"Yes."

Applause Causes Objection.
There was a murmur of applause as the solicitor made this point on the witness for the defense, and it had hardly died away when Attorney Arnold rose and protested.

"Your Honor," he said, "if such a disgraceful occurrence takes place again I shall certainly move to have the courtroom cleared. I don't know who's responsible for this applause, but we are not taking the spectators into this trial."

Judge Roan instructed the deputies to try to ascertain who might be applauding if it occurred any more, and stated that he would have them before him to answer for it.

Mr. Dorsey then went into a detailed series of questions, trying to show that the witness was exaggerating the time required for getting up the financial sheet, and also to show that Frank had not done all the work that Schiff claimed he had, and there were frequent objections from the defense, Mr. Arnold claiming that the solicitor was not allowing the witness to answer one question before he asked him another.

At this juncture Judge Roan noted that it was 12:30 and stated he wanted court adjourned until Monday. He asked the jury if they were being well cared for and instructed them to report any inattention or needs to him. All of the members of the jury nodded their heads when the judge asked if they were well cared for, and court adjourned.

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