

# MANY WITNESSES TAKE THE STAND TO REFUTE POINTS OF PROSECUTION

Defense Calls Twenty-Two Men, Women and Boys to Give Evidence Favorable to Frank—Mr. and Mrs. Emil Selig, Parents of Frank's Wife, Declare That There Was Nothing Unusual in Conduct of the Prisoner on Day of Murder.

## CHARACTER OF DALTON IS DECLARED TO BE BAD BY DEFENSE WITNESSES

Called to Stand, He Admits Having Been Sent to Gang for Stealing Once and Having to Pay Fine on Another Occasion—Bitter Fight Is Waged Between Attorneys Over a Question Asked of Frank's Office Boy by Solicitor Dorsey, and Threat of Motion for Mistrial Is Made.

Calling upon a total of twenty-two witnesses on Tuesday and making a record for the Leo M. Frank case, and possibly for any other in Georgia, the defense yesterday made attacks on a number of points made by the prosecution earlier in the trial of the man charged with the murder of Mary Phagan.

The day was spent in all but one or two instances in a steady hammering at the prosecution, or, to change the simile, in a ceaseless stirring up of new points, so as to muddy the entire case and make the points of the state unrecognizable.

When Solicitor Hugh Dorsey, on cross-examination, asked Philip Chambers, Frank's former office boy, if the superintendent had not made improper advances to him and threatened to fire him if he did not yield, a bitter fight was started.

Attorneys Luther Rosser and Reuben Arnold declared that such evidence was grossly prejudicial and irrelevant, and that if the solicitor ever tried to introduce it again the defense would at once make a motion for a mistrial.

### Dorsey Wanted To Impeach Boy.

The evidence was ruled out, but not before the boy had denied that Frank ever made advances to him, and the solicitor had asked him if he would deny that he had gone to J. M. Gantt, a former bookkeeper, and asked his advice about what to do. The solicitor declared before Judge L. S. Roan ruled the evidence out, that he would bring Gantt to the stand to impeach the boy.

Mr. and Mrs. Emil Selig, of 68 East Georgia avenue, parents of Mrs. Leo Frank, were placed upon the stand in the afternoon, and their testimony was to the effect that their son-in-law, who makes his home with them, had acted naturally at lunch on Saturday, April 26, and also that night.

One of the hardest blows struck the prosecution by the defense was when C. B. Dalton, who had previously sworn to Frank's alleged intimacy with women in his office, was put upon the stand and made to acknowledge himself familiar with Walton county's chingang and also

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ised since she went to work for Montag, last December.

Gordon Bailey, a negro known around the National Pencil factory as "Snowball," swore that he had not heard Frank tell Jim Conley to come to the office Saturday. Another attack upon the prosecution's claims was made when Magnolia Kennedy, a little girl working in the factory, swore that she was with Helen Ferguson when she was paid off on Friday afternoon, and that the girl was paid by Herbert Schiff and not by Frank, as she claimed, and also that nothing was said by Miss Ferguson about Mary Phagan's salary.

#### Prosecution

#### Points Battered.

Numbers of other witnesses were introduced, all of whom were used to batter at some point that the prosecution had made. Three men swore that Alfred McKnight, husband of the Seligs' cook, could not have seen Frank at the dinner table from his place in the kitchen door.

The cook, Minola McKnight, repudiated the affidavit made public by the police. She said that she had signed it because she was told that if she did not, she would be put in jail. In the affidavit, which was made public June 4, the negro woman was alleged to have declared that Frank could not sleep on the night of Saturday, April 26, and that Mrs. Frank finally made herself a pallet on the floor, rather than attempt to sleep in the same bed with her husband.

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to have been in trouble in Gwinnett county.

He acknowledged being sent to the gang for stealing and also having to pay a fine on another occasion. Following Dalton four Walton county men took the stand and swore they would not believe him on oath. Mrs. Minnie Smith and Miss Laura Atkinson also denied statements he had made about them.

### Over Three Hours To Get Up Sheet.

Other witnesses of the morning were Miss Hattie Hall, the stenographer for Montag Brothers, who did some work at the pencil factory on April 26, and who swore that Frank

did not work on the financial sheet that morning, and C. E. Pollard, a public accountant, who asserted that to get up the financial sheet required him three hours and eleven minutes.

Wade Campbell, an inspector in the factory, was also called upon. He told a slightly different version of what his sister, Mrs. J. A. White, had said to him about seeing a negro in the factory. He also declared that Frank had never had women in the factory and that Conley had never hung around there, as the negro claimed.

Solicitor Dorsey sprung a small sensation when Miss Hall was on the stand, by asking her if she had not made the remark that when the Montags found she would be needed as a witness that they raised her salary from \$10.50 to \$15 per week. She declared she had got a raise on August 1, but that it had been prom-