

# Solicitor Reasserts His Conviction Of Bad Character and Guilt of Frank

"What I had to say yesterday," began Mr. Dorsey at the opening of Saturday morning's session, "with reference to character I think I have demonstrated by law in any fair-minded man that the defendant is not a man of good character."  
"In failing to cross-examine these twenty young ladies who claim his character was bad, is proof, in itself, that if he had character that was good, no power on earth would have kept him and his counsel from plucking countless questions by his beard."  
"That's common-sense, gentlemen, a proposition that is as fair and a proposition which I have already shown you by law that they had a perfect right to delve into his character. Also, you have seen their failure to cross-question these witnesses."  
"Whenever any man has evidence in possession and fails to produce it, the strongest presumption arises that it would be hurtful if they did produce it. Failure to present such evidence is a glaring indictment. You need no law book to tell you that."  
"You know the reason this able counsel did not ask these 'bare-brained fanatics' questions of the evidence they had presented against their client. You know it too well. They know—they know it better than you. That's why they did not question."  
"You tell me these good people from Washington street came and said they never heard anything against Frank. Many a man has gone through life without even his wife knowing his misdeeds. It takes the valley to know a man's life."

### Bad Character Demonstrated.

"That man has a bad character and it has been ably demonstrated. Often a man uses charitable and religious organizations to cover up his misdeeds—sometimes to cover up his conscience—as Frank has done by the Unit of which he is president."  
"Many a man has walked high in society and outwardly has appeared godlike, who was rotten, clean rotten, inside. He has no character, I submit—gentlemen, he has none. His reputation for good is among the people who do not know his real self."  
"David, of old, was a great character and he went through the front of his life so that Ernie might be killed and David take his wife. Judah Iscariot, did he planted the betraying kiss upon the lips of the Lord, was a good character."  
"Benedit Arnold had the confidence of all the people until he betrayed his nation. Since that day and night and day, a synonym of infamy and disgrace."

### Oliver Wilde Case.

"Oliver Wilde, literary, brilliant, author of works that will go down for ages, the profoundest of which he wrote while in jail, had the companionship of himself and the son of the marquis broken up for criminal practices in which he indulged himself."  
"Whenever the English language is read the cougness and affrontory of Wilde while he underwent cross-examination will be the subject of history and admiration. He was a man of Frank's type. Wilde will remain forever the type of perverse as in this man who stands before you charged with the murder of Mary Phagan."  
"Not even Wilde's wife suspected he was guilty of perversion. He was sent to prison for three long years. He was a scholar, cool, calm, and collected, and his cross-examination is a matter in which he indulged himself."  
"Good character? Why, he came to America and lectured throughout the country. It was he who raised the maul from a weed. A man of brain, knowledge and physique, courage and bravery, but a sexual pervert."  
"Frank's race, boss of his town, respected, honored, admired. But he corrupted the pit and corrupted everything he put his hand to. He led a life of hellish sin, ruin and debauching girls without end. Eventually his case terminated in the penitentiary."

### Richardson Sent to Chair.

"Then, there was Richardson, of Boston, a preacher, who was engaged to one of the wealthiest and most attractive girls of his city. But, entangled with a poor little girl who had been weak and pliant in his dealing and lust-ridden hands, caused him to so far forget himself as to put her in a grave."  
"All these cases are of circumstantial evidence, and, after conviction, in how he would obtain pardon, he confessed, while a Massachusetts governor and jury were brave and dauntless enough to send him to the electric chair. Then, there were others,

including Henry Clay Beattie, of Richmond, actor of splendid family, who took his wife for another of a 12-month-old babe, to shoot her in the automobile in which they were riding."  
"Yet, that man, kneeling upon the blood of his slain mate, was cool and calm enough to joke with the detectives, which funds were raised, every effort possible was made to free him, but a courageous and honest jury of Virginia gentlemen sent him to death, thus putting this old Virginia citizenship on a high plane."  
"Beattie never confessed, that is true, but he left a note to be read after his electrocution, which he admitted his guilt."  
"Dr. Crippen, of England, man of worthy standing, killed his wife because of his infatuation for another woman, and put her body away like this man Frank put away little Mary Phagan, hoping it never would be discovered."  
"You, gentlemen, have the opportunity that comes to but few men. Measure up to it. Will you do it?"  
"If not, let your conscience say why! Tell me as an honest man, why not?"

### Attacks Frank's Alibi.

"They say Frank has an alibi. Let's examine it. In section 101 of the Georgia code you'll find just what is an alibi. It involves the impossibility of the prisoner's presence at the scene during the time of the crime. The range of evidence must reasonably exclude possibility of his presence."  
"In short, gentlemen, they must show you it was absolutely impossible for Frank to have been on the scene at the time Mary Phagan was killed. The burden is upon them. An alibi, unless properly substantiated, is worthless. I am going to show you why that alibi is worse than no defense at all."  
"I once read an old darkey's description of an alibi, and it was this: 'Rastus, what's an alibi?'  
"'An alibi is somethin' that show you was at the prayor meetin' where you wasn't and not at the crap game where you was.'"  
"Turn around this table a minute—this alleged chronological table of Frank's actions that day, and then turn it back to the wall where I want it to stay—face against the wall."  
"At 11 p. m. Frank leaves the factory. That's mighty nice. Now, turn it back to the wall. Let it stay. It's not sustained by evidence. Not even sustained by the statement of the defendant, himself. His story at police headquarters was he locked the door of the pencil factory at 1:10 o'clock and left the building. That's his own statement made when he did not know the value of time element in his case."  
"The witnesses realized its importance until he went on the stand, and then he swore it was 1 o'clock when he left the building."

### A Sad Spectacle.

"This little Kern girl—God help her!—swore she saw him at Alabama and Whitehall streets at 1:10 o'clock; yet here's his own statement that he left the factory at 1:10."  
"You talk of sad spectacles, the saddest I've ever seen was the bringing of this little Kern girl, the daughter of a man who works for Sig Montag, to help free this red-headed murderer."  
"The jurors have a right to take into consideration the reasonableness of what any witness swears. Any man who looked at that little girl could see the untruth stamped clearly in her story."  
"Frank had locked the door at 1:10 o'clock, how did she ever see him at Alabama and Whitehall streets at that time of day?"  
"Mind you, she had never seen him but once, this daughter of a Monting employee. Yet, she comes here and tells you the unreasonable story she has told."  
"On this time proposition, I want to read this: It's a speech of a wonderful man, a man to whom even the great and brassy Arnold and the big powerful Rosser would have deferred their hats—Daniel Webster."  
"Time's subdivisions, he says, 'dare all alike. No man knows one day from another or an hour. Days and hours are not visible to the senses. He who speaks of date or minute or hour of occurrence with nothing to guide him speaks at random.'"  
"And, gentlemen, it's the truth."  
"Other Deserpenancies."  
"Now, what else about this alibi. Old man Sig Montag, witness and warped his words so as to sustain this man. For instance, Frank got down to the building at 8:25 o'clock, according to Holloway and others. Frank says he got there at 8:30. He arrived with a rule book they tried to make it appear that he did not have one."  
"I'll venture the reason he borrowed Ursenbach's rule book was because he forgot the coat Jim Conley saw him with."  
"Mattie Smith says he left the building at 9:10 o'clock. Frank says he left at 9:30. At 11 o'clock Frank returns to office, says the chronologi-

cal alibi chart. In his own statement he swears it was 11:35 o'clock. "Schiff said that Frank, who was behind with his work, went home and slept instead of making out the financial sheet, because he (Schiff) had not given him the data (pronounced 'data') folder," as Schiff had pronounced it, "with such a charming wife as he has, with all his friends; Frank, head of the Unit Frith, lover of cards and pleasure; do you think that he would go back to the factory on Saturday afternoon to make out that financial sheet just because he did not have the data folder in the morning."  
"I submit that this man made out that financial sheet on Saturday morning. I give no reasons because I don't believe them necessary. But even if he made out the sheet on Saturday afternoon, don't come to that belief because the sheet shows no nervousness."  
"Why, after the crime, he went to his home and in the bosom of his family he showed composure. He read the joke about baseball and laughed about it. He made so merry over it that he disturbed the card game which was in progress."  
"He had been making out financial sheet for six years, and do you mean to tell me that he had to wait for Schiff to tell him what to do before he could make out that sheet?"  
"He didn't betray nervousness when he wrote for the police, did he? And then he took the expert, who knew writing as his art, who knew what Frank's writing on the stand to identify it, he was so afraid that he might do something to hurt this man that he wouldn't identify it. Is that perjury?"  
"The frivolity that Frank showed at his home was the sort of frivolity that Mr. Clay Beattie showed before the jury in which he was in the blood of his wife!"  
"I'll tell you something this man did do—on Saturday afternoon. You remember how Jim Conley told about Frank's looking at the ceiling and saying, 'I have rich relatives in Brooklyn. Why should I hang? It isn't my fault. I'm in Brooklyn and his poor relatives in Brooklyn that afternoon.'"  
"They say his people in Brooklyn were not rich. His uncle is rich, and he thought that he was in Brooklyn that afternoon when he wrote that letter and said what he did."

### The Charges of Perjury.

"Let's consider for a moment Arnold's flippant charges of perjury. "You saw the witnesses. You heard what they had to say. Do you remember one lady, who, almost hysterical, wanted to die for Frank? When did she ever see him? Who could she be? Would he ever be clamored for by any employer that she would die for him if the friendship that existed was merely platonic? I know that back of that willingness to put her neck in the noose meant for Frank there was something more than platonic love, don't you?"  
"It must be a passion born of something beyond mere friendship. But he is married, and she is single; he is the employer and she is the employee. "I take the little Bauer boy. Before he took the job to Sig Montag's automobile for the office of Mr. Rosser, he could remember details, but after that he suffered a lapse of memory. Before that he could remember just where he had his watch, but after that his mind went blank."  
"The remaining man, the one who gathered in the church praying for rain. They prayed and prayed, and after a while the Lord sent a regular trash-mover, a gully-washer. Then the French couple, he chins a little and said, 'I guess we must have overdone it just a little!'"  
"Don't you know that Sig Montag must have whispered in that boy's ear, 'You've overdone it just a little?'"  
"Does that look like perjury? Oh, how French, foolish!"  
"How about the witness, Lee? He said he had seen in the possession of Schiff papers that he had signed. Then they brought papers up here written on a typewriter, and his name was not even mentioned in them. "What's the stuff they're unloading on you?"  
"Talk about talking indignation! Don't that just make you sick!"

### Claims Women Were Suborned.

"Perjury? Let's go further. "I have never seen a case where women have been suborned as in this case."  
"Take the stenographer, Miss Fleming. They put her on the stand, and we took her up on a line she didn't expect."  
"Oh, we don't mean to say that Frank tried to seduce or ravish every woman who came to the pencil factory. All of them would not have submitted to him, no, not even the one to whom you all called her Mary Phagan. And she called him."  
"How about filling? She said she never saw or heard of any orders against filling."  
"Dorsey then read Miss Fleming's account of Frank's work at the office on Saturday morning."  
"Now, 'filling,' she says that she saw Frank working at the financial sheet. She said that it was Frank's business in the forenoon of Saturdays. She was questioned on this point time and time again, and was positive that she saw Frank making out the financial sheet."  
"Dorsey interrupted her and said, 'He didn't have time to make the financial sheet on Saturday morning, did he?'  
"And she caught Arnold. She answered, 'No.'"  
"Arnold was so nervous that he couldn't let me finish, but he interrupted the witness with a most unfair question, and she took the bait and went under the blank with it."  
"I have read to you how positive she was about having seen Frank working on the financial sheet. Now look. Afterwards when she was asked if she said that she had never made any such statement, I asked her whether she had said those things I have read you from the record, and she said, 'No.'"  
"I tell you if you are going to turn men loose on such evidence as that, it is time to quit drawing juries in Fulton county."  
"Why Frank Was Indicted."  
"Why didn't Rosser, Pat Campbell and Starnes take Newt Lee, Jim Conley, or Gant instead of this man? Because the evidence against them was only a film of cobwebs, but about Frank the evidence is composed of cables, and they are bound about him and heaven break them. The world's Arnold and the dynamic Rosser can't break them."  
"Circumstantial evidence is as good as any if it is the right sort. This

evidence draws tightly around him and there is not a break in it."  
"Schiff said that Frank, who was behind with his work, went home and slept instead of making out the financial sheet, because he (Schiff) had not given him the data (pronounced 'data') folder," as Schiff had pronounced it, "with such a charming wife as he has, with all his friends; Frank, head of the Unit Frith, lover of cards and pleasure; do you think that he would go back to the factory on Saturday afternoon to make out that financial sheet just because he did not have the data folder in the morning."  
"I submit that this man made out that financial sheet on Saturday morning. I give no reasons because I don't believe them necessary. But even if he made out the sheet on Saturday afternoon, don't come to that belief because the sheet shows no nervousness."  
"Why, after the crime, he went to his home and in the bosom of his family he showed composure. He read the joke about baseball and laughed about it. He made so merry over it that he disturbed the card game which was in progress."  
"He had been making out financial sheet for six years, and do you mean to tell me that he had to wait for Schiff to tell him what to do before he could make out that sheet?"  
"He didn't betray nervousness when he wrote for the police, did he? And then he took the expert, who knew writing as his art, who knew what Frank's writing on the stand to identify it, he was so afraid that he might do something to hurt this man that he wouldn't identify it. Is that perjury?"  
"The frivolity that Frank showed at his home was the sort of frivolity that Mr. Clay Beattie showed before the jury in which he was in the blood of his wife!"  
"I'll tell you something this man did do—on Saturday afternoon. You remember how Jim Conley told about Frank's looking at the ceiling and saying, 'I have rich relatives in Brooklyn. Why should I hang? It isn't my fault. I'm in Brooklyn and his poor relatives in Brooklyn that afternoon.'"  
"They say his people in Brooklyn were not rich. His uncle is rich, and he thought that he was in Brooklyn that afternoon when he wrote that letter and said what he did."

### What He Would Have Told Frank.

"If Herbert Huns had come to me on the Tuesday after the murder and told me he wanted me to get Frank out, I would have told him that I was running my office and not the police department. I added that the habeas corpus was intended for that; oh, I don't know. I wouldn't have insulted a lawyer like that. He would have known about the habeas corpus."  
"Well, they have taken me to task for the way I acted in this case. Well, I honor the memory of the late Charlie Hill; I'm as proud of being his successor in the solicitor's office as I am that the people elected me to that high office, but I tell you gentlemen, I'm going to pattern myself after the dictates of my own conscience."  
"I'm proud of anything in this case I'm proud that I went into this case with the detectives when I did and fought my way out. I find the real truth about the little girl, and that, too, when your influence was pouring letters into the grand jury in an effort to try and hang an innocent man—negro, even though he was."  
"I'm glad to get it out and kept the truth in my mind. I'm a New York man, and I'm going to stick it out as long as I'm in office and if you don't like it, the only way to do is to remove me, because I'm doing what I think is right and I'm going to keep on doing what I think is right."

### Was Jim Conley a liar?

"That's look at some of the things he says about the many things that the little girl and her father said, and I don't know how many of these statements are corroborated by other witnesses. Mrs. Small, time and again, in her testimony, corroborates the things Jim told of as happening that Tuesday morning in the pencil factory. Well, now, let's take one of their witnesses, Mrs. Carson, the forewoman, whom witnesses swear went into the women's dressing rooms with Frank. Mrs. Carson swore on the stand that she did not go back and look at the spots of blood on the second floor."  
"You know why she swore that? Well, there had been too many of those employees admitting to going back there, and the defense did not want to make it appear that the spots caused any stir up there, so by the time Mrs. Carson came along, employees began to say that they had paid no attention to the spots."  
"I'm sure Mrs. Small if she went to look at them, and showed she did, and we asked who went with her, and she said that Mrs. Carson did, and we asked her how she knew, and she said she remembered because she and Mrs. Carson had gone back there after the other had left, and at a time when they could get plenty of time to look at the spots."  
"If this is founded on perjury, if the defense claims it is, then it's simply a case of pot calling kettle black, and I haven't dealt in glittering generalities, either, in making my charges."  
"When evidence was testimony was wanted in any particular phase of this case, there has never been the time when some witness or witnesses did not come forward and testify to what was needed, and they'd have you believe those witnesses came willingly, and that there was no slush fund."

### Notes This Crime on Frank.

"Now, gentlemen, I want to discuss with you briefly these letters, he continued, taking up the two notes found near the dead girl's body. If they are not the order of an overruling Providence, then I will agree with the defense that they are merely a lot of foolery. The pad and paper usually found in Frank's office was used, and that man Frank, trying to fasten the crime on another, has indelicately fixed it upon himself."  
"The pad, the paper, the fact that he wanted notes, all that goes to show Frank as the man. Tell me, if you can, that a negro ever lived who, after he had been robbed or assaulted, a girl, would take time before leaving to write these notes."  
"Tell me that Conley, sober as Graham said he was that day, would have ravished the girl, knowing Frank was in that building, tell me that Conley, a sure and a witness, would have let the sense to stay and write these notes."  
"These notes were folly! Yes, as Judge Blockley once said, 'All crime is a mistake, and what proof have we that a man who has made a big mistake will not take time to get a girl to hide the first?'"  
"Then, against another thing that makes against Frank. He said here that the metal had come, that he told her no; and yet, when he had not had time to think about it, it would come, or when he first talked he said

of the good Shepherd, who, despite her reputation, probably crossed right there in that factory, is of tender years and what was being made up a story like that would hardly make up a story like that was being made up when she said she saw Frank talking to Mary Phagan.  
"You can't tell me Gant was lying when he said Frank knew Mary Phagan, and you want to remember another thing—Frank said to Gant, 'You seemed to know this girl pretty well.' How did Frank know that Gant knew her pretty well, if Frank did not know her himself?"  
"Then, another thing: How could Starnes and Campbell, or even Chief Lanford, know that Conley, the man he referred to taking girls and women to his office, was using the same word that Frank used here in his statement four times in the short period between the time he started speaking and the time the jury went out for a few minutes' recess? Now, notice, too, that he didn't use the word 'chat' when he started again.  
"I tell you Mr. Arnold is a man of keen foresight, and he knows what a party the blow before I even started talking that I am now trying to deliver."  
"Conley me, if you will, that Conley, when he finished his evil work on that little girl, would have dragged the body way back to that corner of the basement. It meant nothing to him whereabouts in the basement the body lay."  
"But it was the white man—the superintendent of the factory—who knew that it would never do for that body to be found in the metal room."  
"Again, in these murder notes you find the words, 'The long, tall, black nigger did it.' Well, when did Conley ever say 'did.' Old Jim was up here on the stand, and every time he used the word 'he did,' he said, 'Done it, done it, done it.' That was never 'I did it,' with Conley, but always, 'I done it.'"  
"Tell me, if you can, that these letters, which are a 'plant' as sure as was the club and the bloody shirt found at New Lee's house, were ever thought out by a highborn negro like Conley. I know they were done it if he'd had Starnes and Rosser and Campbell and Black, and even Chief Lanford, to aid him. It was a smarter man than these detectives, who laid this trap which it appeared would free him, but which really incriminated him."

### Looked Far Into Future.

"This thing of passion," continued the solicitor, "is a great deal like fraud, and liberties look far into the future. It's probable that the man whose character was torn and whose attorneys feared to cross examine witnesses who swore against his character, began in March to plot and to get with Jim Conley a great deal to get this girl in his power, but he could not control the passion that consumed him."  
"You try to tell a jury composed of honest men that you didn't know Mary Phagan," continued the solicitor, turning towards Frank, "and do you expect them to believe that?"  
"That let en Ferguson lied, that this little girl was suborned by the Atlanta detectives to come here and swear to a lie, and that's the little girl they called a 'bare-brained fanatic!'"  
"Mr. Dorsey then read from Frank's statement to the jury where he had used the word "chat" in four different places."  
"Mr. Arnold says," he continued, "that negroes regularly pick up the words and phrases of their employees, and certainly Frank must have been associated with Jim Conley a great deal to get this word chat from him."  
"Well, Frank also says that Miss Hall lied when the whistle blew for 12 o'clock. Well, do whistles blow on holidays? I don't know, I'll leave that for the jury to decide."  
"Then Mrs. White says that when she came up that Frank, who was in his office putting up some pay envelopes, jumped when he saw her. Why, no wonder he jumped, for that little girl was lying back in the metal room then, and he hadn't had a chance to dispose of the body. He found out that Mrs. White wanted to see her husband, and this time he did not call for her own name. He sent the woman up to the fourth floor. After a while he goes up there and makes out her name in a big hurry to get away, and he gets her out. He knows that the men

### Another False Statement.

"Old Conley took no chance, he was willing to write the notes to put by the side of the body, but drunk or sober, as you will, he was too wise to go down to the basement by himself and burn that body."  
"When again, in his statement, Frank says that no one came into his office that Friday before the murder and asked for their own or anyone else's pay envelope. Well, here is this little Helen Ferguson, the friend and running mate of little Mary Phagan, who swears to us that she did go there and ask Frank for her own name and pay envelope, and that she did it because she knew Mary did not intend to come down the next day."  
"Oh, they've told about plots and conspiracies; I'll tell you about one. I'll show you that in this man's own mind, he had a plot to undo this thing, oh, no, he did not want to take her life, he wanted to use her to satisfy his passion."  
"In March, little Willie Turner, a plain country boy, tells us he saw Frank with his arm around Mary and that she was trying to escape and to leave him and go to work, but that he kept on talking to her a lot before she was the superintendent in that factory, thus using his position to coerce her to his own ends."  
"You can't tell me that a brilliant man like him could pass her machine every day and she as pretty and attractive a little girl as she was and not be bright and soon have led to a man who she was. You can't tell me that this man with the brain he's got could have helped make out the pay roll for fifty-two times in a year and then been so little familiar with the name as to have to look up the name of the little one in a girl book—the name of Mary Phagan ever worked there."  
"When he told me Willie Turner lied when he told me saw Frank talking to the little girl, and you can't tell me that little Dewey Howell, the little girl brought here from the Home

is a dirty suggestion. It is dirty. It is more than that; it is infamous. Yet there sits today Leo M. Frank trying to put that rope around the neck of another."  
"The only thing in this entire case that is at all to the discredit of the police department," continued Mr. Dorsey, "is that they were afraid on account of the influence and position of Frank to put him in a cell like they did Leo and Gant. That's the only thing against them."  
"If my friend, Black, over there had gone after Frank like he went after Newt Lee, there would probably, very probably, have been a confession and no necessity for this long and tedious trial."  
"You," he continued, turning to Frank, "you called for Hans, and you called for Rosser and you called for Arnold, you had to have the very best legal talent that the state afforded, and it took their combined efforts to keep up your nerve."  
"You know I'm telling the truth," continued Mr. Dorsey, again addressing himself to the jury.  
"There is only one thing, I tell you, that is to the discredit of the police department, and that is the counsel and the glamor of wealth, and treated with too much consideration this man who had snuffed out the life of the poor little girl."  
"I honor, although I had nothing to do with it, I honor the way they went about this case, and the way in which they got her affidavit. Gentlemen, the getting of evidence in a big murder case like this is no job for a man with the manners of a dancing master. You've got to get on the job like a dog after a buzzard and you've got to look their position and keep on barking up that tree until you show 'em there."  
"You know that Albert McLaughlin, the woman's husband, would not have told Grayson and Pickett any such tale as that unless it was true. Innocent!"  
"So these detectives know that, too, and they hung around and they barked up that tree until they got the evidence that was there. Talk about it legally holding that woman. Why they had the habeas corpus if they had had Starnes and Rosser and Campbell and Black, and even Chief Lanford, to aid him. It was a smarter man than these detectives, who laid this trap which it appeared would free him, but which really incriminated him."

### Words Well, when they wrote those notes.

"Words, well, when they wrote those notes, well, when he knew Conley was arrested and that Conley, infamously told to keep quiet, was not telling anything, did he even hint to the police that Conley writes?"  
"These notes were written to protect the defendant and to get the man in New York, asking him to tell his uncle that a girl had been killed in the factory cellar and that the police would eventually solve the mystery and that he was all right."  
"The Statement of a Guilty Man."  
"Now, I want to take up that statement of Frank's, that statement that it was said was strong enough to carry him to acquittal, by proving his innocence, the statement that was the statement of a guilty man and that statement that was cunningly constructed to fit around the chain of circumstances that showed up."  
"You notice, Frank never admitted being anywhere except when it was proven on him. There was nothing he admitted doing, but he knew could be proved."  
"Mr. Dorsey then read a number of authorities on circumstantial evidence and showed where the comparison of circumstantial evidence to a chain, no stronger than the weakest link, had been rejected and the comparison of it to a spider web, which would be twisted together it will hold and where a few webs may be weak or break and not despoil the rope of its holding power, had been accepted."  
"Frank's statement was a brilliant one," he continued, "and if you believe it and follow it blindly, there is only one thing you can do and that is to let Frank loose."  
"The solicitor then read the law upon the statements made by defendants in murder cases and made various comments and cited a number of authorities."

### Frank's Statement.

"This man (Frank) says," he continued, "that he sat in his office, checking off the money that was left from the body. He was careful, mind you, not to say he was checking over the cash."  
"Out of the money left from that \$1,100 payroll and the amount of cash that was kept for various incidents, don't you see there was enough money to make up the amount he offered Jim Conley when he asked him to burn the body and that he afterwards took back when Jim said he would not burn it unless Frank went with him."  
"Conley refused to burn the body by himself. Had Conley started to do that and the black smoke rolled out of that chimney, Frank would have soon been talking there with those detectives and what chance would the negro have had?"  
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"Oh, they've told about plots and conspiracies; I'll tell you about one. I'll show you that in this man's own mind, he had a plot to undo this thing, oh, no, he did not want to take her life, he wanted to use her to satisfy his passion."  
"In March, little Willie Turner, a plain country boy, tells us he saw Frank with his arm around Mary and that she was trying to escape and to leave him and go to work, but that he kept on talking to her a lot before she was the superintendent in that factory, thus using his position to coerce her to his own ends."  
"You can't tell me that a brilliant man like him could pass her machine every day and she as pretty and attractive a little girl as she was and not be bright and soon have led to a man who she was. You can't tell me that this man with the brain he's got could have helped make out the pay roll for fifty-two times in a year and then been so little familiar with the name as to have to look up the name of the little one in a girl book—the name of Mary Phagan ever worked there."  
"When he told me Willie Turner lied when he told me saw Frank talking to the little girl, and you can't tell me that little Dewey Howell, the little girl brought here from the Home

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# SOLICITOR REASSERTS HIS CONVICTION

Continued From Page Two.

have had their lunch and will be working there the greater part of the afternoon.

"Well, Mrs. White comes down the steps and passes the office. Is Frank ready to leave? Has he got on his hat and coat? No; he's not in a hurry then, not at all. He's got to wait there to get rid of that body."

## Addresses Himself to Frank.

Here Mr. Dorsey gradually drifted in the use of the second person in his talk and seemed to be addressing himself to Frank instead of to the jurors.

"You went tiptoeing right back to see if everything was all right, and then you signalled Conley," he continued, "and you soon learned, by what Conley said about not seeing a certain girl go back down the steps, that you were given away, and so you sent him back to get the body. There was no blood there where you had killed the girl. The blow was not sufficient, and no blood was there until Conley dropped the body and caused it to spatter out.

"No, you had struck the girl and ragged her and assaulted her and then you went back and got a cord and fixed the little girl, whom you had assaulted, when, thank God, she would not yield to your proposals.

"You got that cord because you wanted to save your reputation—you had no character—you wanted to save your reputation among the good people of Rabbi Marx's church and among those in the B'nai Brith, and you wanted to save your reputation among the Hasses and the Montags.

"Oh, you know that dead men tell no tales, you knew it, but you forgot that murder will out. Oh, had that little girl lived to tell the assault made on her in that factory, there would have been a thousand men in Atlanta who would have not have feared your wealth, and your power and relatives, rich and poor, but who would have stormed the jail and defied the law in taking vengeance on you. It is not right that it should be so; people ought to wait for fair courts and honest juries to decide these things, but they don't and you knew it then.

"I wouldn't be a bit surprised that if Frank hadn't put Mary Phagan's handbag in the safe it would have turned up just the same as the planted envelope and blood spots the Pinkertons found on the first floor.

"This cloth that was found around her throat was torn from her own underclothing and placed over her mouth for a gag, while Frank tiptoed back to his office for the cord with which to strangle her.

## Describes Death of Girl.

"When she did not yield to his lust that was not like that of other men, he struck her. They scuffled. She fell against the machine. Her brain lapsed into unconsciousness.

"They say he had no marks on his person—he did not give her time to inflict marks. Durrant had no marks.

"There never was such a farce as this attempt by Frank's able counsel to disprove the fact that the spots found on the second floor were blood stains. They bring in this perjurer Lee. He says it wasn't. Who is this Lee?

"You know it was blood and that it was the blood of Mary Phagan, because its location corresponds with the spot where Jim Conley says he dropped the body.

"Barrett discovered the blood and hair long before any reward was ever offered. The hair was identified by Magnolia Kennedy, their own witness.

"When it became apparent that too many persons saw Frank go to the elevator box and get the key, old man Holloway, who lied and betrayed us, perjured himself in a story about having opened the box, himself.

## Says Holloway Perjured Himself.

"Holloway perjured himself either to obtain acquittal of his boss or to get the reward for the conviction of Jim Conley, 'his nigger.' I say that Barrett stands as an oasis in a mighty desert for truth and veracity, although his own job be in jeopardy. Barrett told the truth. If there be a man in town who rightly deserves a reward, it is that poor employee of the pencil

factory who had courage to tell the truth.

"Compare him with Holloway.

"Neither did Barrett make his discoveries on May 16. His find has no resemblance whatever to a plant.

"But you could wipe Barrett completely out of the case and have an abundance of ground on which to convict.

"Mrs. Jefferson saw the blood and so did Mell Stanford. It was not there Friday, because Stanford swept the floor and is positive he did not see it.

"Jim Conley saw Mary Phagan go up and never come down. She was killed where Jim Conley found her, and her body was put where Frank wrote in his telegram: 'In the cellar.'

"Darley and Quinn saw the blood spots. Sometimes, you know, we have to go into the camp of the enemy for ammunition. The handsome Darley was lied up by an affidavit. It was a hard pill for him, but he had it to swallow, and he admitted having seen the blood that so glaringly accused his boss.

"To cap it all, Dr. Claude Smith saw the blood, and, upon analyzing it, found there were blood corpuscles disproving the argument of the defense that it was paint.

"Their own witnesses, Schiff, Magnolia Kennedy and Wade Campbell all saw this blood and admit having seen it.

## New Richmond in Field.

"Frank and his friends found that Harry Scott didn't manipulate to suit them. They got some new Richmonds and put them in the field. Where are they now, these men who found the club and blood spots and planted envelope?

"Where is Pierce, the Pinkerton head? Echo answers 'Where?'

"Where is McWorth, who helped find them? Echo answers 'Where?'

"All detectives, Starnes, Black, Campbell, Rosser, Scott every one of whom searched in vicinity of the scuttle hole, say they could see no blood spots nor club nor envelope.

"Don't you know that if they had not been planted and had been there after the murder, Holloway and others of his ilk would have been only too glad to have reported it to their superintendent in prison.

"Why, only a few days after the murder, a general clean-up was ordered by insurance authorities. None of the cleaners found the blood nor the club nor the envelope on the first floor. Why? Because they weren't there.

## Evidence All Planted.

"The club and spots and envelope are purely in keeping with the planting of Newt Lee's bloody shirt.

"Boots Rogers saw Frank take out the clock slip that morning and say that it was accurate. But, later, when the shirt was planted, this graduate of Cornell, this man so quick of figures, saw that Newt wouldn't have had time to go home and change his shirt, so he accordingly changed his figures and altered his statement.

"But, the man who planted the shirt did his job too well—he got a shirt too clean and smeared blood on both sides.

"And, more about this club—Dr. Harris and Dr. Hurt both say that the wound in Mary Phagan's head could not have been inflicted by this planted club. It was too large, too round.

"They harp on this Minola McKnight business. Isn't it strange that Minola, herself, should tell such a story to her husband, then corroborate it in a sworn and written statement.

"Are we going to swallow all this stuff of Mrs. Selig's without knowledge of human nature?

"Minola, in presence of her counsel, made that statement and swore to it. Gordon would not have been worthy of the name of lawyer had the story not been true and he had not said:

"Minola, don't put your name to that story unless it be true."

"If the statement wasn't true, Gordon, her lawyer, would not have sat there without raising a hand, knowing, well knowing, that his client could be sent to the penitentiary for false swearing.

"The reason Minola made that affidavit was because it was the embodiment of the truth, the pure truth."

It was at this point that Judge Roan recessed until Monday, on account of the exhausted condition of Mr. Dorsey.