

As Bells Told, Dorsey Closed Magnificent Argument Which Fastened Crime on Frank

As the big bell in the Catholic church tolled the hour of 12 o'clock Solicitor Dorsey concluded his remarkable plea for the conviction of Leo Frank with the dreadful words—"GUILTY, GUILTY, GUILTY!"

It was just at this hour more than five months ago that little Mary Phagan entered the pencil factory to draw her pitance of \$1.20.

The tolling of the bell and the dread sound of the words cut like a chill to the hearts of many who shivered involuntarily.

It was the conclusion of the most remarkable speech which has ever been delivered in the Fulton county court-house—a speech which will go down in history stamping Hugh Dorsey as one of the greatest prosecuting attorneys of this age.

would not let her come there again. He says she was brought by her two brothers-in-law and Rabbi Marx. Yet Frank makes no attempt to prove by facts that his wife was there. He wants you to believe it from his own, unsupported statement.

"There is no evidence anywhere that she ever went to see her husband at the station house, and I tell you, gentlemen of the jury, that a true wife ever lived who would refuse to go to see her husband when he was in such trouble as that, provided she believed him innocent. No wife, believing her husband innocent, would hesitate to face snaphotters, interviewers or detectives to get to see her husband."

WINS BIG CASE



SOLICITOR HUGH M. DORSEY

Defense Attorney's Objection.

"Your honor," interrupted Mr. Arnold, "we have sat here and listened to one of the most unfair speeches I have ever heard and we have kept silent, but we do object to this unwarranted attack on the defendant's wife."

Solicitor Dorsey submitted that part of Frank's statement to the jury where he claimed that his wife did visit him at police station, then he submitted that the defense had not tried to prove it by other witnesses, and declared that he was making no attack on the wife, but merely stating why she had not visited her husband.

"Let the galled jade wince," began the solicitor in a powerful voice, which he apparently did not have when he began his argument.

"Now, your honor, I do object to that," interrupted Mr. Arnold, "when we make a legal objection to the solicitor's statements, he has no right to say, 'Let the galled jade wince.'"

"Your honor, I do object to that," interrupted Mr. Arnold, "when we make a legal objection to the solicitor's statements, he has no right to say, 'Let the galled jade wince.'"

"The solicitor was allowed to go on with his speech and the defense made a formal objection to the court against that part of it.

"Mr. Dorsey then took up another feature of Frank's statement.

"Frank said that Conley could write and he adds, 'I have received too many notes from him asking to borrow money for me not to know that.'"

"Frank also corroborates Conley's statement regarding the watch which Conley was buying on the installment plan and Frank says he gave the information to the police that Conley could write and the police and detectives have told you that he did not and Harry Scott, Frank's own detective, has told you that Frank never gave him this information."

"If Frank knew, as he says he did, that Conley could write, why didn't he tell the police that? Scott declares to you that Frank never mentioned the subject.

that his client was innocent.

"If a negro ever accuses me, I tell you that I will confront him and there is no lawyer can stop me, and even if I would wait for my lawyer's return, I would confront my accused as soon as he did get back."

Howser Again Interrupts.

"You say you never knew until you came to court what Conley had sworn against you," continued the solicitor, turning to Frank "that you could have known if you had wanted to confront your accuser."

Mr. Rosser entered an objection here, making the statement that Conley made so many affidavits that Frank would not have known what he would swear in the courtroom, even if he had talked to Conley.

"Oh, well," retorted Mr. Dorsey, "you can object all you want to, but I am going to put it up to the jury and they can decide about it. You can object all you want to."

"He's outside the rule, your honor," shouted Mr. Rosser.

"I'm not outside the rule and they (the defense) see the force they think they can make by such objections."

"Well, that's out of order," retorted Mr. Rosser.

"Well, if they (pointing to the defense) don't see the force of it all, they (pointing to the jury) do."

"Well, now, your honor, I submit he's out of order and he ought to be ruled out," said Mr. Rosser.

work only of red varnish, with hascolina over them.

"Gentlemen of the jury, are you going to believe this one statement when they could get no chemist to come here and stuffily himself and when Dr. Claude Smith, city bacteriologist, tells you from his chemical analysis that the blood and when scores of employees say that it was.

"This defense has no defense," shouted the solicitor, "they have flattered around, but never alighted anywhere!"

"In this particular instance they grab at varnish, they grab at cat's blood, rats blood and mouse blood and at blood from finger cuts."

The solicitor then took up Frank's statement about the possibility of the girl having been pushed down the chute in the rear of the building or thrown down the scuttle hole in the part formerly occupied by the Clarke Wooden Ware company.

Some Improbable Things.

"Why would the negro Conley, even if he had murdered the girl with that bloody club they claim to have found there, why would he have tied the cord around her neck and why would he have tied the clothing around her neck?"

"Why did old man Holloway say, 'That's my nigger when I saw Conley making a stir, why was he why was that after fifteen days when the second squad of Pinkertons were searching the factory, that blood was found near the elevator shaft, more blood than it has been shown the girl lost?'"

"Why was it that when Frank had read in the morning paper that Barrett had discovered the blood spots on the second floor, that he, the superintendent, who had been anxious to solve the mystery that he had telephoned three times for Hoff to hire the Pinkertons, did not go back to see those spots until Lemmie Quinn came after him."

"That was a strange way for an innocent superintendent to do. And there is no evidence to show that Frank ever did go back there and look at those spots. Why? I'll tell you why; if there was any spot on earth where the man did not want it to be known that blood had been found, it was on the second floor, where, according to his own statement, he was working at the time the girl was killed."

"Frank also tells us that he visited the morgue twice on the day the body was found and if he went there and saw the body that morning and I tell you that he says it did, why, except for the answer 'I'm going to see the body,' he should have turned around and look at the body that afternoon and look at the body the first time."

"That statement is a misstatement of fact. All the witnesses said they did not know whether or not Frank saw the body before the trial."

"Well, I'll not go back over the matter," retorted the solicitor, "Frank did look at the body, and there's no evidence to show he did, he gave it just a glance as the light was flashed on and then he turned and went into another room."

Reference to Record.

"He never went into another room; the evidence don't show that," objected Mr. Rosser.

"It certainly does," replied the solicitor, "you look and see if it don't."

his house they tell us he asked right away if there had been a tragedy, and we know that later he tried to claim that Starnes had mentioned this in the talk over the telephone. It was merely Frank's guilty knowledge that made him mention tragedy."

"Then Leo says that Saturday night, a thing he had never done before, that he did not ask if Gant had gone and did not mention Gant's name but asked if anything had happened at the factory—if anything had happened."

"Frank tells us that he asked about Gant's being there."

"You can't tell me, gentlemen of the jury, that with all these things piled up against this man, that there is nothing but prejudice and perjury in this case."

"Remember that Frank made Leo go upstairs with Gant that Saturday afternoon, and even Leo would not let Gant into the factory, until Frank consented. Leo was true to his orders."

"Now, why did Frank want to keep Gant out of that factory, unless it was that he did not want Gant around where he might talk to Mary Phagan at the time when he was plotting her downfall?"

"Would you convict this man on this and on that? No, but you can weave a rope out of all these fallows. No one of those strands would do that, but all together they make such a strong case that there is no room for reasonable doubt; no room for any doubt."

"Frank says in his first affidavit that he stayed in his office during certain hours that Saturday. He did not know at the time that his own detective, Harry Scott, had found little Monteen Stover and been told by the girl that she had gone into the office at 12:05, and found no one there."

"Then Frank, seeing the importance, declared that he had stepped out of the office for some little errand and then forgotten about it."

Pass Tribute to Scott.

Mr. Dorsey turned aside here to pay a tribute to Harry Scott, and in it he was careful to pay no tribute to the other Pinkerton men, who were accused the others of "running" with the hare instead of the hounds."

"Scott asked Frank if he was in his office from the time he came back until Mary Phagan came, and he said yes, and then Scott asked if he was there from the time that Mrs. Phagan came, and he declared he was, and then Scott asked him if he was in his office all the time from the occasion when he went upstairs after Mrs. White, until he left for lunch, and again he answered yes."

"It is only after the Frank realized that the little Stover girl had come up there and he was not there, that he tried to hedge by declaring that he might have gone out for a moment and not remembered it afterwards."

"Not until he recognized the wonderfulness of his act, and his adherence to duty did Frank shut him out from his councils."

AIDED SOLICITOR



FRANK HOOPER

before Dr. Clarence Johnson, the eminent stomach specialist, who backs him up; or before Dr. George M. Niles, another stomach specialist, who also agrees with him. They can't stand against Dr. John Funke, expert pathologist, who agrees with Dr. Harris. "Why, gentlemen of the jury, Hancock is so gangrened with prejudice that when I showed him this book (The American Medical Journal) he declared it a book made up by quacks."

"Why, Dr. Willis Westmoreland was so bitter and so prejudiced against Dr. Harris that he told us that the board of health had found him guilty of scientific dishonesty, and the records showed that they had done none such thing; and that Dr. Westmoreland had got mad because he could not run the board and had resigned."

Neurotic Not Nervous.

"Well, I want to take up the question of Frank's nervousness again. You remember that on that afternoon of Memorial day that Newt Lee, who had been told to come early, came back like the dutiful darkey he was, and found Frank washing his hands. Frank was wearing a street cap that Conley to come and burn the body and Frank did not want Newt around, so he made Newt go out into town and that when Newt told him he was sleepy and wanted to find a comfortable corner anywhere in the building."

"If the witness wanted to get Leo away so that when Conley came back, as he had promised he would do, that they could burn the body and the police might never solve that Phagan mystery; might never know that the girl had ever entered the factory that day."

"You remember, too, that when Frank was going out later that he almost ran into Gant at the door and that Leo says Frank jumped and Gant says he was nervous. Gant said he wanted to go up and get a pair of shoes he had left there and Frank told him that he had seen two boys going out a pair and Gant had replied that he had left two pair and would go up and see if he could not get the other pair. You remember also that Gant went up there and found both pair of shoes and that this very fact showed that Frank was merely making up something to keep the man from going into the building if possible."

"And, when Frank sent for Attorney Rosser, he wanted him because his conscience needed somebody to sustain it. He got Haas and Darley for the same reason."

"Now, we went into the camp of the enemy to get Darley, who has told openly of Frank's nervousness. Darley says Frank trembled like an aspen leaf. He told me when he made his affidavit that Frank was completely unstrung, but, when he got on the witness stand, he changed it to 'almost.'"

"Frank's nervousness was produced by one cause only, the consciousness of his infamous crime. Old man Newt Lee says that when he went back that afternoon he found the inside door locked, something he had never found before. Newt also says that that night when he went down into the basement, he found the light flickering low. Do you think for a minute that Jim Conley would have turned down that light? No. But, I tell you that Frank did it when he found Conley was not coming back to burn the body."

"He didn't want anyone to discover the body until he found time to dispose of it."

"It was fear pulling at his heart-strings, fear and remorse. Spectral shadows filled before him—shades of the body, the prison, this trial, the gallows, a murderer's grave."

the body until he found time to dispose of it.

"It was fear pulling at his heart-strings, fear and remorse. Spectral shadows filled before him—shades of the body, the prison, this trial, the gallows, a murderer's grave."

Leaving Conley Out.

"You may have Jim Conley entirely out of this case, and you still have a course of conduct that shows this man's guilt."

"Is Dalton a low-down character? If so, isn't he then just the kind of man a person like Frank would consort with when his dual character was predominant."

"I tell you that today he is a man of utter integrity, although he may, at times, be tempted to step aside with a woman who has fallen as low as Daisy Hopkins."

"We sustained him by scores of witnesses, good and substantial men. We corroborated the statement that he had been seen to go into this factory with women. We corroborated Dalton almost in whole."

"Lawyer Rosser says he would give so much to know who dressed up Jim Conley. If you, Mr. Rosser, had wanted to know half so much about Jim Conley as he wanted to know about you, you could have learned very easily."

Why Conley Was in Jail.

"Let's see something about what William Smith, Jim Conley's attorney, has set up about the rule which Judge Roan gave in regard to Conley's imprisonment. The police, he is understood may be no better than the sheriff of our county, but they are just as good."

"Smith says that Conley, in police station, is perfectly safe from a standpoint of physical welfare, and that, under such imprisonment, is far safer. No one has been allowed to see him. He has been protected from physical harm and false claims. His says that plans have been laid detrimental to the carrying out of justice so far as Conley is concerned."

"Sufficient inside guards were not provided in the Tower. Only one man was paid to guard the entire five stories which contain twenty cell blocks. Friends of Frank were allowed to go into the jail in a steady stream, many of whom were admitted indiscriminately into Conley's cell. Newspaper men and others, says Smith, were admitted constantly in Conley's cell. One man offered sandwiches and liquor to the negro."

"Our proof of general bad character sustains Jim Conley. Our proof of general bad character as to lasciviousness sustains Jim Conley."

"Their failure to cross-examine our character witnesses sustains him. Frank's relations with Rebecca Carson sustain him. Your own witness, Miss Jackson, sustains him. Miss Kitchens, of the fourth floor, sustains him."

"Lemmie Quinn, their dear Lemmie, sustains him. Daisy Hopkins and Dalton sustain him. The blood spots, the statement of Holloway and Boots Rogers relative to the open elevator box sustain him. Albert McKnight and Minola McKnight's repudiated affidavit sustain him."

"The existence of the notes sustains him. No negro in history of the negro race ever wrote a note or letter to cover up his crime."

"The dictation of the notes in 'did' and 'done' sustain him."

Attorney Rosser entered an objection to this statement, arguing that in many places Conley had used the word 'did' in his statement.

Continued on Page Three.

AS BELLS TOLLED DORSEY CLOSED SPEECH

Continued From Page Two.

There was a melodious blast of noon whistles. The courtroom was still. The whistles rang out over a working city at the exact hour Mary Phagan several weeks ago stepped into the pencil factory to her death. The solicitor's speech was done.

"I have heard Conley's whole statement, and I say the jury has heard that every time it was put to him, he used the word 'done' instead of 'did.' I want to see the physiognomy of the man who took these notes. I also want his original notes."

Judge Harvey L. Parry, the expert stenographer who had taken most of Conley's statement, stated that the character for "did" is so different from "done," that it would have been impossible for the stenographer to have made a mistake.

"Very well, then," said the solicitor, "you have said in your own argument Mr. Rosser that one thing a negro would do under any circumstances would be to absorb the words and expressions of a white man.

"Jim Conley is sustained by Frank's statement relating to his relatives in Brooklyn.

"When Jim was on the stand, Rosser questioned him about Mincey. Where is this Mincey? Echo answers: 'Where?' These men knew his per-juring, lying was so diabolical it would have sickened the jury mind. The absence of Mincey is a powerful support of Jim Conley's story.

"Every circumstance in this case proves that his man killed this girl Extraordinary? Yes! But as true as the fact that Mary Phagan is dead.

"She died a noble death. Without a splotch or blemish upon her, a martyr to the virtue she protected to the extent of death in saving it from her employer.

"Your honor, I have done my duty—I have no apologies to make. There will be but one verdict, guilty, guilty, guilty."