

MARY PHAGAN, THE VICTIM



Story of Mary Phagan's Death As Representatives of the State Outlined It to Frank's Jury

The jury has said that Leo M. Frank is guilty of the murder of Mary Phagan.

With that verdict fell upon Frank the awful shadow of the gallows and death.

This is a fearful shadow to dwell in. It is a midnight of horror more black and dreadful than mere words can conjure up.

But there is another shadow which hovers over Leo M. Frank—a shadow beside whose unspeakable blackness the thought of mere death brightens to the soft roseate glow of a sweet and soul-resting twilight!

Good Name Jeopardized.

This other shadow is the great black blot of the crime that must besmudge the good name of Leo M. Frank so long as the name shall exist and people shall be able to remember.

By its verdict the jury drew this great black smudge across his name. Whether, if the world knew what Leo M. Frank knows, 'twould still be so, is another question. If unwittingly the jury has made so great a blunder, and the more horrible is it to consider the smudge upon the name of an innocent man.

But, true or untrue, the jury's verdict has cast the shadow on Frank's name, and this is the shadow as outlined in the prosecution's argument: Leo M. Frank, superintendent of the National Penell company's factory, on

Foryth street, sat alone in his office on the second floor of the pencil factory at noon on Saturday, April 26, and awaited the coming of little Mary Phagan to draw the \$1.20 wages that was due her. She was pretty and sweet and young, and Leo Frank had designs upon her. He was expecting her arrival and had arranged to execute these evil designs.

On the floor below lurked his dusky henchman, Jim Conley, with whom he had arranged to watch for him while he received "a young lady in his office."

Mary Phagan Arrives.

A few minutes after 12 o'clock little Mary arrived and went to Frank's office and asked for her pay, which the superintendent gave her.

Then for some purpose Mary Phagan walked back to the metal room on the second floor and Frank, intent upon fulfilling his desire, followed her on tiptoe.

His negro sentinel, Jim Conley, heard the steps above him. Frank approached the girl and made advances upon her. She was young and innocent. She resisted him. Frank was displeased and struck her a blow in the eye. The girl fell and struck her head, cutting a great gash in the back of it.

Conley heard her scream.

What Should Frank Do?

The girl lay upon the floor. What should Frank do? In desperation he asked himself the question. If she recovers she will tell and I will be ruined. She must not live.

The decision was quickly made. He tied a cord around her neck and strangled the life from her body.

Monteen Stover had come to Frank's office for her pay. That was a narrow escape, but she was gone now and he was safe.

Conley heard Frank's steps as he ran to the head of the stairs and called him.

He went to Frank's assistance.

In terror Frank said: "There's a girl back there I hit accidentally."

And Jim Conley went back and found Mary Phagan dead.

Frank's next step, according to the state, was to hide the body.

And so he told Conley to wrap it up in a piece of cloth and take it to the basement.

Just as he would wrap up a bunch of clothes, Conley bundled the body of little Mary Phagan into the cloth, and after two efforts got his grewsome burden on his shoulder. With half his journey to the elevator done, he dropped his burden and mopped his brow.

"Mr. Frank," he said, "she's too heavy, you'll have to help me."

Every minute was precious and Frank cursed and swore, but he took her feet and Jim took her head and the horrible journey to the elevator began once more.

The motor to the elevator was off and the switch locked up, so Frank hurried for the key and unlocked it.

Leave Body in Basement.

Together they put the body in the elevator and carried it to the basement, Frank standing astride his victim.

In the basement they left her and the pair went back to Frank's office to cover their tracks and transact certain financial ends of the bargain. Feeling himself yet unsafe, Frank had Jim Conley to write notes tending to incriminate anyone but himself. And when he had given Jim instructions to come back that afternoon and burn the body in the furnace in the basement, he went home to lunch.

He came back after lunch to see that Conley burned the body. But his henchman was asleep and could not wake up.

Newt Lee, the watchman, arrived at 4 o'clock and Frank sent him away for two hours with the hope that Conley would yet come and together they might burn the body and destroy all traces of their crime.

But Jim never came and it remained for Frank for the rest of his life to

cover the crime and divert suspicion always elsewhere if he could.

This in brief is the blot that the jury has charged against the name of Leo M. Frank.

Innumerable Incidents.

But there are other incidents innumerable in the story of the great light that was conducted from that day until the jury said that Frank was guilty.

There was manifold mystery and suspicion that shot in a dozen different directions.

The murder first came to light about 4 o'clock on the morning of Sunday, April 27, the day following that of the commission of the crime.

Newt Lee, the negro night watchman at the factory, on his nightly rounds, discovered the mutilated body of the girl lying face-down in a remote corner of the basement.

He notified the police and said that he attempted to notify Frank and could not.

The Constitution carried exclusive news of the murder, and first told the

world of one of the most horrible atrocities in the history of crime.

Newt Lee was placed under arrest and rushed to police station. There was an insignificant attempt to take him from the automobile in which he was being carried, but it resulted in naught.

Goes to Undertaker's.

Leo Frank was taken to the undertaker's to see the body of the girl and identify it.

He was also taken to police station to assist in solving the mystery.

For days Newt Lee was grilled by the detectives, but without gaining any more information than he gave the police on the night he notified them of his grewsome find.

Arthur Mullinax was said to have been seen with the girl on the night of the murder, and was arrested. He told a straight tale and was able to substantiate it and gain his release.

By his time John Black, of the police detective force, was beginning to formulate a theory of his own about the murder. He conferred with his chief, and Frank was brought to the police station once more. Frank gave an account of his actions on the day of the murder.

When Frank left the station house that day, which was the Monday following the murder, he hired the Pinkertons to assist in the search for the murderer.

The same afternoon J. M. Gantt, a former employe of the factory, who had been seen at the factory on the Saturday of the killing, was arrested in Marietta, apparently fleeing from the scene of the crime, and was brought to police headquarters. Gantt was questioned, but was able to establish his innocence and after a short-lived imprisonment was released.

Frank Charged With Murder.

The next day Frank was brought once more to the station house, this time charged with the murder.

Attorneys Luther Rosser and Herbert Haas were engaged to defend him.

At the coroner's inquest Frank was forced to give a detailed account of his whereabouts and actions on the day of the murder. At the inquest a number of girls, some of whom gave him none too savory a name, were called upon to testify.

The coroner ordered him held for the grand jury.

While washing a shirt at the factory in order to appear more respectable at the grand jury hearing, where he had been called as a witness, Jim Conley, the negro sweeper, was arrested.

No Attention to Conley.

No particular attention was paid to Conley at the time. But on the day that Frank was indicted for the murder Conley confessed to the authorship of the murder notes, and accused Frank of having dictated them.

After that a number of very startling statements came from Conley. All of these he denounced as willful lies when he made the final statement in which he confessed himself accessory after the fact in help Frank to dispose of the body.

After having been postponed from its first date, May 30, the trial of Leo M. Frank, charged with the murder of Mary Phagan, came to court July 23.

Judge Roan, one of the best known judges in criminal cases in the state, was upon the bench. Hugh Dorsey, solicitor general, who had represented the state in other famous cases, notably the Daisy Grace and the Callie Applebaum cases, was the prosecuting attorney. Luther Rosser, whose fame as a criminal lawyer was widely abroad in the land already, was augmented by Rouben Arnold, another brilliant legal light.

Jury Quickly Chosen.

Under the direction of these able men the case proceeded. The jury was chosen in incredibly short time. The story of how the prosecution built up a formidable chain of circum-

stantial evidence is history.

According to the solicitor's witnesses, Frank was the last man seen by the victim. He had refused to give Mary Phagan's pay to a girl chum for her on the day previous, showing, claimed Dorsey, that he was planning to meet the girl on the next day.

Jim Conley testified that he had watched for Frank on the day of the murder, as upon other occasions, while he consorted with women and girl in his office. He testified that he had heard footsteps leaving Frank's office and had later heard the girl scream. He testified that he had helped Frank carry the body to the basement, had written the note at Frank's dictation, and had promised to meet Frank in the afternoon and burn the body. For days Rosser and Arnold strove to break down the negro's story, but were unable to do it.

Frank's character was placed in issue, and the prosecution produced witnesses and even were able to make some of the witnesses of the defense to testify that Frank's character was bad.

Frank's Dramatic Statement.

The last and most dramatic of the testimony was that Leo M. Frank himself, who went upon the stand and told the story of his life, accounting for his time on the day of the murder in most minute manner.

Again and again had the press urged Frank to make some sort of a statement to the public, but not once did a message come from his cell down in the Tower. When he finished his statement it was with these words: "They have called me the silent man. Now is the time; here is the place. I have told the truth and the whole truth."

Then came the brilliant battle of the wits and oratory of the lawyers. It was a long and hard-fought battle. The faces of the jury were inscrutable, and no one could say what they would do.

The sentiment of the courtroom habits was plainly in favor of the prosecution. Dorsey was repeatedly cheered in the streets, and once in the courtroom itself.

Verdict Quickly Reached.

The case was closed Monday and went to the jury. In a few hours the jury had made up their minds that Frank was the guilty man and so turned in their verdict.

There are but two courses that Frank may now pursue to regain his life and freedom, and these may do nothing more than to postpone the effect of the verdict of the present jury. Frank may ask for a new trial and in case this is not granted may appeal to the higher court. Should the higher court grant this new trial he has one more chance; should it not, he must die unless the governor should see fit to interfere.