

THE
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An. /ho Made Startling 1381. /ations in the Phagan Acquitted of Murder His Brother-in-Law.

Swatton, Ga., January 8.—(Special.)—
W. Fisher, the former Atlantian whose accusation of an Atlanta merchant with the murder of Mary Phagan proved a fiasco, was found not guilty of the murder of Dug Steele, his brother-in-law, by a jury here this afternoon. Owing to the sensation which Fisher's ill-founded charges in the Phagan case caused, a vast crowd gathered to hear the verdict.

The jury went out at 10:15 o'clock this morning. At 1 o'clock it reported a disagreement, but Judge Fite refused to dismiss it.

Witnesses for the state testified that on the night of November 28, 1903, when Steele met his death, that he and the defendant were seen together, and that Fisher had threatened him, but that Steele had stated that he was able to take care of himself. Prior to that time, there had been an altercation between Fisher and Steele, in which the latter had sustained a slight injury, but after which Fisher had made threats against Steele to various persons, stating that he intended to kill him.

On the night of the death of Steele, witnesses testified that they heard the defendant and the dead man quarreling and using abusive language. When the body of Steele was found, in the northern part of the city, early in the morning, Fisher and his wife, who was a sister of the deceased, were among the first to reach the body, and Fisher is said to have been very nervous and badly excited, and remarked at that time that he regretted it very much as he and Steele had "made up" the evening before, and had become friends again.

Swear They Were Coached.

Other witnesses testified that Fisher had coached them how to swear before the coroner's jury and told them that if they repeated certain occurrences that he would kill them. Two of the witnesses on whom the defense relied to establish an alibi for the accused could not be found, both being under indictment here for misdemeanors.

The defendant, in his statement, testified that he spent the night, after leaving Dug Steele, sitting up at the home of a friend whose wife was sick, and his statement was a general denial of guilt of the crime. The state introduced as a witness the sister of the woman who was sick, who testified that she sat up at the home of her sister, where Fisher claimed to have been, and she swore most positively that Fisher was not there on the night he states that he was. This testimony was corroborated by the testimony of another woman who stated that she was with the sick woman on the night Steele was killed and that Fisher was not there at that time.

Little Blood on Corpse.

Witnesses swore that they had seen the accused man, shortly after the finding of the dead body, wiping something that appeared to be blood from his clothing.

At the time of the finding of the body, the head was completely severed from it, and one arm had been mashed off, but there was very little blood. Expert testimony of a surgeon was introduced to show that if the body had been stricken while the person was alive and mangled in such a manner it would have bled profusely and would have exhausted fully one-half gallon of blood. Dr. J. S. Rollins further testified that blood would congeal to such an extent in from two to ten minutes that it would not flow very much. It was further testified that the deceased was drinking on the night of his death, which would cause the blood to flow more freely.

It was shown that Steele frequently swung trains near where his body was found and alighted at his home about a mile above there, which is up a steep grade.