

# ALL NIGHT SEARCH TO FIND M'KNIGHT MEETS NO SUCCESS

**Solicitor Wants Him as Witness in Conley Trial, and Detectives Seek to Question Him About Affidavit.**

## **DORSEY SEEKS TO SHOW HAIR THAT OF PHAGAN**

**Defense Announces That if the Supreme Court Refuses Frank a Rehearing, New Trial Motion Will Be Filed.**

Refuting the theory of Leo Frank's counsel that the strands of hair found on the lathe in the pencil factory were not Mary Phagan's, Solicitor Dorsey intends to show the Jim Conley jury this morning that the hair actually came from the scalp of the murdered girl, thereby seeking to destroy one of the strongest contentions in the proposed plea for a new trial.

Dorsey built a foundation for this move Monday afternoon during the Conley trial. William Gheesling, an undertaker, attached to the Bloomfield undertaking establishment, testified on the stand that he had washed the slain girl's hair with pine-tar soap the day the body was brought to the morgue of his shop, and that this application changed the color of it pronouncedly.

Also, that hair continues to grow after death, and that strong, thick hair like that of Mary Phagan usually grew. He stated it was fifty-six hours after he had taken charge of the corpse before it was lowered into the grave of the quiet Marietta cemetery.

### **Surprises Expected.**

Solicitor Dorsey's speech is expected to throw some surprising revelations upon this phase of the most recent Frank case developments. This was assured by court officials in the solicitor's confidence. Mr. Dorsey, although remaining non-committal, intimated substantiation of this anticipation.

It is also said to be the hope of the solicitor to explode the latest affidavit of the negro, Albert McKnight, who, after making a sworn statement repudiating his testimony in the Frank trial—which statement is now in the hands of Frank's defense—vanished mysteriously. No trace of him has been found by detectives who have scoured the city.

A subpoena has been issued for McKnight to appear before the Conley jury and give testimony. Court was adjourned early Monday afternoon, because of the negro's disappearance. Detectives and investigators from Dorsey's office hunted for him all last night, but to no avail. If found in time for the Conley arraignment, he will be put through a severe grilling on the witness stand.

That detectives from police headquarters are also seeking to quizz the negro witness was evident last night by the visit of a squad of three headquarters men to the home of McKnight in the rear of 17 East Georgia avenue.

### **Seek to Question Negro.**

They stated that they had not come for the purpose of arresting the negro, but merely to question him. Beyond this, the headquarters trio was uncommunicative, leaving after they had become convinced that McKnight was not at home. Watchers remained throughout the night in vicinity of the little house in the rear of No. 17, in the expectancy of seeing the negro return.

McKnight's disappearance was one of the sensations of Monday's developments. Coming right on the heels of the Conley trial, when he was wanted to appear before the jury, it created a flurry of excitement in court realms. All efforts possible are being put forth to locate him in time for this morning's session of Conley's hearing.

A motion for retrial will be made before Judge Ben Hill, of the superior court, immediately the plea for a rehearing is disposed of in the supreme court. The motion will, in all probability, be filed in the latter tribunal some time after noon today. Attorneys for the defense said Monday that it would likely be completed by noon.

Another sensational development that came Monday was the disappearance of Albert McKnight, the negro witness who Saturday repudiated the testimony he gave against Frank during the trial. Although a squad of detectives and private investigators searched the city over, he could not be located.

Solicitor Dorsey gave orders to have him subpoenaed before the jury in Conley's case. Armed with this subpoena, the searchers set out early in the morning. He had not been seen in his usual haunts since early Saturday afternoon. The last said to have been seen of him was when he talked with newspaper men Saturday evening in the office of attorneys for the defense.

### **Craven Seeks McKnight.**

Following the negro's disappearance came a statement from Roy L. Craven, declaring that he also was hunting the witness, and, upon finding him and learning that his latest affidavit was genuine, he would push prosecution for perjury. Friends assisted Craven in his search.

Secrecy has been thrown around the newest evidence obtained by the defense. No one would talk of the reported affidavit made by Mrs. Nina Formby, denying her original statement and accusing the detective department of inveigling her into a "frame-up" against Frank.

Neither would anyone have anything to say of the rumored sworn statements secured from girl and women character witnesses who took the stand for the prosecution, and who are said to declare that they knew nothing of Frank's character, one way or the

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other, and that they were coerced into testifying by detectives.

It was stated in court circles, however, that Solicitor Dorsey will prosecute for perjury—in event charges are made—anyone who retracts or denies sworn statements made on the stand. The solicitor, although remaining non-committal, intimated corroboration of this.

Detectives Starnes and Campbell, prosecutors of Frank, who were perhaps the most active figures in the investigation, have been detailed to search for the negro McKnight. It is believed by the police that he is in hiding in the city. Private investigators from the solicitor's office are also assisting in the hunt.

### Case Nearly Finished.

At the adjournment of Conley's trial Monday afternoon, Solicitor Dorsey stated to the court that his case was finished, except for the testimony of an additional witness, the negro McKnight, whom he had been unable to find, but whom he expected to produce by Tuesday morning.

The reported charges against Detective Bass Rosser created no mild sensation in court and police circles Monday. It is said that Rosser is accused by sworn statement of having prevailed on certain witnesses who appeared against Frank to go upon the stand in behalf of the prosecution to satisfy grudges against the prisoner.

It is also said that he is charged with having told these particular witnesses that they could safely sit in the witness chair and testify to anything they pleased—that they would be upheld by the solicitor general. Rosser and attaches of the solicitor's office ridicule this report:

It was stated Monday by those connected with the affidavit Albert McKnight made previous to the trial, that he made it voluntarily, of his own will and volition, and that there was no coercion involved and that there was no offer made of financial remuneration. Neither has he shown up for work at the Beck & Gregg Hardware company, at which he has been employed for two years or more.

### Will Prove Hair Mary Phagan's.

Much expectancy is hinged upon the prospects of Solicitor Dorsey's attack upon the evidence by the defense pertaining to the strands of hair found on the pencil plant lathing machine. Attaches of the solicitor's office declared he was preparing an effort to convincingly substantiate the evidence produced at the trial that the hair really was that of the dead girl.

The solicitor, himself, stated he would attack the hair evidence in course of the trial this morning. His plan, however, he would not reveal. He seemed thoroughly satisfied with the foundation constructed upon the undertaker's testimony Monday afternoon.

### Burns Coming March 2.

It was made known Monday that Detective William J. Burns would return to Atlanta about March 2 and at once begin his private investigation into the Phagan mystery. Thus far, no work at all has been done on the case by Burns or any of his men. It will be entirely in the hands of "the chief," according to officials of the southern branch of his agency.

"Burns has given no intimation of his mode of procedure in the Phagan case," was said, "and, as far as is known, he has not yet availed himself of any of the facts. He will begin from the ground up when he comes to Atlanta. Just how long he will remain in the city is not known."

The source of Burns' employment is still a mystery. Both the defense and prosecution declare emphatically that they have nothing to do with his action, and city officials say the first they knew of his entrance into the case was when it was read in the newspapers. It is said that the famous detective is investigating it merely to satisfy himself, it being an interesting mystery, of the kind which appeals to him.

### Pinkerton Head Not Here.

The rumor that the head of the Pinkerton detective agency had come to Atlanta under an assumed name to personally look into the Phagan mystery was refuted Monday afternoon by officials of the Atlanta Pinkerton offices. It was circulated widely that he had come into the city several days back and that he was stopping at a fashionable Peachtree hotel under a fictitious name.

"If Mr. Pinkerton is in town," said local officials, "we know nothing of it. It is a certainty that he would not slip into the city without informing us. The Pinkertons, anyway, have taken no hand in the Phagan case in a considerable while."

### Trial Will End Today.

The trial of Jim Conley will be finished by noon today. The negro, charged, in two indictments, with being accessory after the fact in the murder of Mary Phagan, sat calmly in the "bull pen" in the Thrower building after court adjourned on Monday afternoon and philosophically remarked that he didn't "care much what the jury did to him."

"I'm through talking about this Frank case. All I want to know now is what they are going to do with me. Yes, I've been treated all right since I've been in jail. No one comes to see me and I don't want to see anyone. All I want to know is what's to become of me?"

Conley seemed but casually inter-

ested during his four-hour trial session before Judge Ben Hill in the criminal division of the superior court which began Monday morning and ended with a court recess at 1:55 p. m. until 9 o'clock this morning.

The early part of the court session on Monday was confined to a reading of the record in the case by Attorney William Smith for Conley and Solicitor Dorsey for the state. The records covered Conley's testimony on the stand. They were read by mutual agreement of counsel on both sides, Judge Ben Hill concurring in the agreement.

Attorney Smith, for Conley, read a statement from his client ending with the words, "I am not guilty of this crime?" Although such a statement is unusual in court procedure, on account of Conley's ignorance it was allowed to go into the record.

A jury in the Conley case was sequestered after three panels had been exhausted. The twelve men were sworn in as a body about an hour and a half after court had opened for business.

### But Few Witnesses.

But few witnesses outside of McKnight are expected to be put on the stand today. The case is largely being confined to the written record of the Frank trial.

Attorney Stevens will sum up for the state, while it is expected that Attorney Smith's argument, if he makes any, will be extraordinarily short.

Conley can be found guilty on either of the two indictments against him, both charging accessory to a murder. One indictment is brought as a misdemeanor and the other as a felony. The misdemeanor indictment carries a year's sentence to the chain gang, while the felony indictment carries with it a sentence of three years. Judge Ben Hill will order the jury as to the consideration of either indictment after all of the evidence is in.

Conley's defense is that he did not know Mary Phagan was dead when he carried her to the pencil factory basement. He contends that he thought she was only unconscious.