

EVIDENCE FOR FRANK HIDDEN, SAY COUNSEL

State Chemist Now Admits He Does Not Think Hair Found Was Murdered Girl's.

Special to The New York Times.

ATLANTA, Feb. 20.—Following the admission to-day by Dr. H. B. Harris, State Chemist, and one of the most important witnesses for the prosecution in the case of Leo M. Frank, that in his opinion the hairs found at a lathing machine in the pencil factory were not those of Mary Phagan, the murdered girl, attorneys for the defense gave out late this afternoon a statement intimating that there might be other evidence concealed by the State, and practically charging Solicitor General Hugh M. Dorsey with hiding important testimony which would have aided the prisoner.

The statement by Messrs. Rosser and Arnold says:

The story that the State and its chief medical expert knew during the trial of Leo M. Frank that the hair found in the pencil factory was not the hair of Mary Phagan amazes us beyond words.

For some time we have heard vague rumors that the hair that figured in the Frank case was not the hair of Mary Phagan, and that Dr. Harris knew it when he testified at the trial, and that the Solicitor knew it when he was taking proof about the hair from Barrett, Magnolia Kennedy, and other witnesses; but in spite of these rumors we could not bring ourselves to believe that Dr. Harris would have concealed this important matter with the knowledge of the Solicitor and that the Solicitor himself would argue to the jury as he did that the finding of this hair was evidence of the fact that Frank had killed Mary Phagan on the second floor of the factory.

Unless we are much mistaken in the fairness of the people of Fulton County the admitted facts about this hair will awaken great wonder as to what other things were concealed and misrepresented in the same way.

Solicitor General Dorsey said on Friday that he attached little importance to the statement of Dr. Harris, that the hair found on the lathe in the metal room of the pencil factory was not Mary Phagan's hair. The Solicitor said he remembered that Dr. Harris, after an examination, said that he did not think the hair on the lathe was Mary Phagan's.

"Other witnesses, however," said Mr. Dorsey, "stated that the hair was the same color as Mary's, and that in their opinion it was hers. When Dr. Harris made the examination some of the strands of hair had been lost. The other witnesses saw it when it was on the lathe and when there was a greater quantity of it. They were familiar with Mary's hair.

"It is my recollection that several witnesses were asked on the stand about the hair, but I don't recall whether they were witnesses for the State or for the defense.

"At the time I didn't think that Dr. Harris's opinion about the hair was any better than that of any one else."

VOGT GUILTY OF MURDER.

Slayer of Mrs. Agnes Guth Will Be Sentenced on Tuesday.

Oscar Vogt, a chef, was convicted of murder in the first degree last night in Judge Malone's part of General Sessions for the killing of Mrs. Agnes Guth in her home in West Eighty-fourth Street. The verdict was brought in shortly after 9 o'clock, after the jury had deliberated four hours and five minutes. Vogt received the verdict with a shrug, and displayed no emotion. Judge Malone ordered him sent to the Tombs until Tuesday, when he will be sentenced to death in the electric chair.

Mrs. Guth was found dead on Dec. 3 from several knife wounds, and a search was made forthwith for Vogt, who had lodged with her. On Dec. 16 Vogt was arrested after a fight in which a detective had to shoot him and, it is alleged, made a confession to Assistant District Attorney Breckinridge, in which he said that he killed Mrs. Guth because she refused to give him money after he had refused to go to work.

On the stand Vogt repudiated his confession, and said he killed Mrs. Guth in self-defense after she had attacked him. In a struggle over the knife, he asserted, Mrs. Guth stabbed herself in the breast several times.

Just before the verdict was brought in the jurors sent into court to have Vogt's alleged confession reread to them.