

# LYNCHERS UNKNOWN, FRANK JURY FINDS

## Coroner's Panel Examines 11 Witnesses, but Fails to Elicit a Single Clue.

### VERDICT IN THREE MINUTES

#### Several Witnesses Saw Lynchers, but Didn't Recognize Them—Offi- cials Confess Themselves Baffled.

MARIETTA, Aug. 24.—After having failed to elicit from any one of eleven witnesses a single clue as to the identity of any person connected with the lynching of Leo M. Frank near this city last Tuesday morning, a Coroner's jury today returned a verdict that Frank came to his death by hanging at the hands of parties unknown.

City and county officials testified that they had endeavored diligently to get at the facts of the lynching, but that so far their efforts had been of no avail.

"Of course, you know these things are kept pretty close and are hard to find out," said Mayor E. P. Dobbs. Deputy Sheriff Hicks and City Marshal Looney said they were working hard on the case, but at this time could throw no light on the identity of the lynching.

J. A. Benson, a Marietta merchant, who drove by the oak grove near the Frey gin soon after the lynching party had parked its automobiles by the roadside and led Frank to the tree where death awaited him, said he had "a pretty good suspicion" as to what was going on, but did not stop to see it and did not recognize anybody in the party.

After hearing his testimony, in less than two hours the jury retired, and three minutes later returned this verdict:

State of Georgia, Cobb County:  
In accordance with the inquisition taken this 17th day of August, 1915, and completed this 24th day of August, 1915, before John A. Booth, Coroner of said county, upon the body of Leo M. Frank, who was hanged by the neck until dead in a cluster of woods about two miles east of Marietta, in said county, and near what is known as W. J. Frey's gin on the Roswell public road, upon the oaths of Dr. W. H. Perkinson, J. N. Gantt, J. A. G. Heard, B. V. Greer, J. F. Shaw, and G. A. Griffin, sworn according to law as jurors and charged by John A. Booth to inquire when and how and in what manner the said Leo M. Frank came to his death; that the said jurors aforesaid make and return the following presentments in reference to the aforesaid matters and things concerning which we were sworn to inquire by the said John A. Booth, Coroner. We attach the evidence adduced at this inquest to this, our inquisition, and make the same a part of it.

We, the jurors aforesaid, upon our oath, say that Leo M. Frank did on the 17th day of August, 1915, in said county, come to his death by being hanged by the neck until dead by unknown parties.

#### Adjourned to Court House.

The jury was impaneled just after Frank's body was cut down. At that time the jury heard two witnesses as to the identity of the dead man, and then adjourned until today, so the inquest might proceed in a calmer atmosphere and to permit the Coroner to collect evidence. Special counsel for the Coroner was provided by the County Commissioners.

Coroner Booth had set 10 o'clock as the hour for the jury to meet today at an undertaking establishment. When that hour arrived the Coroner transferred the inquest to the County Court House to accommodate the large crowd on hand to hear the testimony.

John T. Dorsey, an attorney, of Marietta, represented the State. Gordon Gann acted as special attorney for Coroner Booth.

There was some talk early in the day of holding the inquest in executive session. It was argued that the witnesses might be more communicative in a closed session. The idea of secrecy, however, was soon dismissed. The jury was composed of six residents of the county, Dr. W. H. Perkinson being the foreman.

Dr. C. D. Elder, the first witness, testified to viewing the body of Frank while it was still hanging. At that time the body was still warm.

Q.—Do you know any of the circumstances surrounding the hanging? A.—Absolutely nothing.

Q.—How many people were present when you arrived? A.—Perhaps half a dozen.

Q.—Do you know who they were? A.—Yes, Sir. As I came up two men were running out of the woods. One of them was Joa Carter and the other was a man they told me was representing The Associated Press. I also saw W. J. Frey, E. L. Robinson, and W. A. Sams.

Q.—Was there any mutilation of the body? A.—No, Sir. The only mark I saw was the cut in the neck that had been opened by the rope.

Dr. W. M. Kemp, another physician, testified that Frank's death was due to strangulation.

Q.—Do you know anything about the commission of this act? A.—Nothing whatever.

J. Bart Wing, a Cobb County Commissioner, was the next witness. He was among the first to reach the scene of the lynching after the body was discovered.

Q.—Do you know anything about the hanging? A.—Nothing.

"Is there anything you would like to state to the jury?"

Wing hesitated a moment. Then he said:

"Nothing, except that that morning I saw several automobiles on the Roswell road, going in the direction of Marietta."

Q.—What time was this? A.—Between 6:30 and 7 o'clock.

Q.—Where were you at the time? A.—I had been fishing with Bob Cochran, a neighbor. We were in a buggy and I had driven my horse into a creek to water him when three or four automobiles went by. We were forty or fifty yards off the road. Bob Cochran said to me: "I wonder what all that crowd is." I said: "Looks like joy riders to me."

Q.—Could you tell who were in the machines? A.—No, Sir. I couldn't tell whether they were negroes or white people.

#### Discovered Frank's Body.

W. J. Frey, owner of the place on which Frank was hanged, next was sworn. Mr. Frey, an ex-Sheriff, took the stand in his shirtsleeves. He is a very large man of about 45, with a short brown mustache and florid complexion.

Q.—Did you know Leo M. Frank? A.—I attended his trial in Atlanta two days, but I did not know him.

Q.—You were among the first to discover the body? A.—Well, Sir, when I got there with Gus Benson and Walter Gann there wasn't anybody in the grove but Leo M. Frank.

Q.—When did you first know anything had happened that morning? A.—I think it was about 5 o'clock that morning my brother telephoned me the State Prison Farm had been broken into and Frank taken out.

Q.—What did you do then? A.—Didn't do anything, but went on about my business at home. Walter Gann, a traveling man from Augusta, was visiting at my place. I live right on the main road. Mr. Gann and I were in the field about 6:30 or 7 o'clock, when three or four automobiles came whizzing by the place. They were about forty yards apart.

Q.—How fast were they going? A.—Well, Sir, they were going along pretty pert; I should say twenty-five or thirty miles an hour. Having heard about the break at the Prison Farm, it popped right into my mind that there was something doing in the way of Frank.

Mr. Frey said that a man—he learned afterward that it was Frank—was in the rear seat of one of the cars, with a man on either side of him.

Q.—How was Frank dressed? A.—Looked as if he had on a thin shirt of some sort. He was bareheaded.

Q.—Did you know at the time this man was Frank? A.—I thought it was him, but I could not recognize him.

Q.—Did you recognize any of the other passengers in the cars? A.—No, Sir.

Q.—Do you know now who they were? A.—No, Sir.

Q.—Were they masked? A.—No, Sir, but they all wore goggles, and their faces were covered with red dust. I turned to Walter Gann and said: "Let's go to the house, there's something to be doing." We went to the house and Mrs. Frey had breakfast ready for us in about five minutes. We ate, and I got my car started and we put out for Marietta.

Mr. Frey said he passed the scene of

the hanging without noticing anything out of the way.

"I had no idea anything had happened that close to my home," he said. "I came on to town, but didn't see anything yet. I came to the cemetery where Mary Phagan is buried, but there was nothing there. I came back into Marietta, and met Gus Benson, who said: 'Bill, those automobiles turned in the road by your gin.' I drove right back to the gin, and when we reached the oak grove there was the body of Frank hanging. I looked at him, but didn't put my hands on him."

Q.—Is there any further light you can throw on this transaction? A.—No, Sir, I've told you all I saw and all I know.

Mrs. G. W. Ayers, who lives near the Frey gin, said she saw nothing unusual the morning of the lynching.

Q.—Were you told by anybody not to stay about the front of the house that morning? A.—No, Sir. There has been a report like that, but it wasn't true.

#### Gus Benson's Story.

J. A. (Gus) Benson, a Marietta merchant, was the next witness. He drove in from the country soon after the lynching party passed the Frey place.

"Driving on into town, I saw three or four cars parked near the Frey gin," said Mr. Benson.

Q.—Did you stop? A.—No, Sir.

Q.—What did you see? A.—I saw one man step out of one of the cars.

Q.—Did you recognize him? A.—No, Sir, (emphatically.)

Q.—Did you recognize anybody in any of the cars? A.—No, Sir, I was going pretty fast.

Q.—Well, where did you get the idea that Frank had been hanged there at the gin? A.—From the cars there, and what I heard when I passed the Frey place. When I came by the Frey place Bill called to me that he thought there was something doing. I had seen in the morning paper about what had happened at the Prison Farm. So it all excited my suspicion.

Q.—Did you see again or recognize any of the machines you passed at the gin? A.—No, Sir.

H. H. Looney, City Marshal of Marietta, said he knew nothing of the lynching until after the body was discovered.

Q.—You are bending your best efforts to discover who took part in this transaction? A.—Yes, Sir.

Q.—Well, is there any light you can throw on the situation at this time? A.—No, Sir. This transaction was really outside the city limits, but we are co-operating with the county officials.

Q.—Did you see anything unusual last Monday night to indicate that the people who did this thing came from Marietta? A.—No, Sir. I saw nothing unusual or suspicious last Monday night, although I was up until 2 A. M.

Mayor E. P. Dobbs of Marietta, a State Senator, said that when he first heard of the lynching he thought the story was a hoax.

"I met Deputy Sheriff Hicks," said the Mayor, "and asked him about it. He said he knew nothing. I suggested that we get a car and go out to the Frey gin, although I thought at the time that when we got back the townfolk would have a good laugh on us. I didn't believe we would find Frank, but when we got to the oak thicket there he was, hanging by the neck."

"Deputy Sheriff Hicks took charge of the situation. We have done all in our power to find out who composed the party that hanged Frank. I told Marshal Looney to instruct the entire police force to get all the information possible and to report to me the slightest clue."

Q.—Have you received a report? A.—No, Sir, not yet.

"Is there anything else you would like to say?"

#### No Automobiles Missing.

"I have seen in the papers that a lot of automobiles were missing from Marietta the morning of the lynching. The truth is, we did not miss a single one. I have no idea whether Marietta people or county people were engaged in this transaction. I do not believe the Marietta people are any more responsible for this than the people of the county or any other county. We don't know who did this. It may have been people from another county who brought Frank to this county."

Charles Mell and W. L. Gray were on the scene of the lynching soon after it happened, but saw no one connected with it. Gray said he saw automobiles "going both ways" along the road early in the morning, but paid no attention to them.

Deputy Sheriff Hicks stated to the jury that he and Sheriff Swanson were doing all in their power to discover the persons "engaged in the transaction." He said he searched Marietta the day of the lynching, but could find no cars that bore evidence of having been on a long journey.

## LONG ISLAND SOON TO QUAKE

### Fort Totten's Big Mortars Will Be in Service Practice Tomorrow.

A warning which if not read to the last paragraph might be mistaken for a prophecy of an earthquake in the neighborhood of Bayside, Whitestone, Great Neck, Flushing, and possibly Port Washington, was issued yesterday by Lieut. Col. C. C. Hearn of the Coast Artillery Corps, Commandant at Fort Totten, L. I., for the protection of lives and property tomorrow morning at 10 o'clock, when service practice is to be begun with seven 12-inch mortars that sweep the Long Island Sound approach to New York Harbor. The firing will continue for a half hour and probably longer, and the practice will be resumed in the evening at 9 o'clock if weather conditions permit. Here is the warning:

To prevent damage to private and public property, the Commandant of Fort Totten has made the following precautionary suggestions:

All windows should be opened not less than six inches at the top and bottom.

All transoms and doors should be partly opened and secured in place.

All pictures, mirrors, &c., should be removed from the walls.

All articles of glass, china, or porcelain, likely to be overturned by the possible quaking of a building should be securely bedded on the floor.

In buildings not provided with metal ceilings, care should be taken to avoid damage to persons or property from falling plaster.

For the protection of shipping army patrol boats will sweep the sound clear of all craft within range of the big guns. The firing will not begin before the hour named. The same precautions taken in the morning should be taken at night if the weather permits the service practice to be resumed. Twenty-eight shots will be fired at each practice as quickly in succession as possible.

The firing will affect a radius of five miles and the range of the mortars over Long Island Sound will be about thirteen thousand yards, (more than seven miles.) The projectiles fired by the regular service mortars weigh 1,000 pounds. The practice with the big guns will be conducted by Captain William Patterson of the Coast Artillery Corps, under the direction of Lieut. Col. Hearn.

## DUNGEON STONE FOR STATUE

### Material for Base of Joan of Arc Figure Comes from Rouen.

Plans were filed in the Building Bureau yesterday for the Joan of Arc statue which the Joan of Arc Statue Committee has been preparing to erect in this city for several years. The statue will occupy a site on Riverside Drive at the foot of Ninety-third Street and its cost has been placed by the architect, John V. Van Pelt, at \$25,000.

The sculptor is Miss Anne Vaughn Hyatt who was selected by the Committee last year. The statue will be a magnificent bronze figure about 25 feet in height mounted on a horse. Miss Hyatt is a sculptor of note, her specialty being animals and two of her best works, "Winter" and "Tigers Hunting" are in the Metropolitan Museum of Art.

The pediment of the statue will be a sixteen-ton stone taken from the walls of the dungeon at Rouen where Joan of Arc was imprisoned. This stone was obtained by the committee a short time ago after the old building was torn down.

J. Sanford Saltus is Honorary President of the committee which has been instrumental in providing a Joan of Arc statue for New York. Dr. George Fredrick Kunz is the active president. It is understood that it may be some time before actual work is commenced.

#### Arrest Mme. Aida's Chauffeur.

George Fitzpatrick, chauffeur for Mme. Frances Aida, the opera singer, who resides at Great Neck, L. I., was arraigned before Magistrate Miller in the Flushing Court yesterday, charged with operating an automobile along Jackson Avenue Monday afternoon at a rate of thirty-four miles an hour. In the automobile when it was stopped were Mme. Aida and her husband. The hearing was adjourned until today.