THE JOURNAL COVERS DIXIE LIKE THE DEW

The Atlanta Journal.

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STATE DIDN'T SHOW ITS CASE TO SECURE INDICTMENT AGAINST SUPERINTENDENT LEO M. FRANK

No Documentary Evidence Was Placed Before the Grand Jury and James Conley, the Negro Sweeper Who Made Sensational Affidavit About Writing Certain Notes at Frank's Dictation on Day Before Tragedy, Was Not Examined by the Jury

DR. HURT COULD NOT SAY POSITIVELY THAT MARY PHAGAN HAD BEEN ASSAULTED BEFORE DEATH

Both the Other Two Witnesses Gave Their Opinion in the Affirmative—Complete Summary of Evidence on Which the Grand Jury Decided That Frank Must Stand Trial for Death of Girl—Has Lee Given New Evidence to His Attorney?

While Solicitor General H. M. Dorsey will make no statement, it is undoubtedly true that the state did not show "its hand" even in the secrecy of the grand jury room to secure the indictment Saturday of Leo M Frank on the charge of murdering Mary Phagan.

Sharing interest with the returning of a true bill against the factory superintendent, is the sensational eleventh hour statement of James Conley that he wrote certain notes similar in language to those found by the murdered Mary Phagan at Mr. Frank's dictation.

Despite the fact that Conley stuck to his story when vigorously cross examined by Solicitor Dorsey, it is said that the official does not fully credit the negro's sensational statement.

It was not necessary to put the negro before the grand jury and Mr. Dorsey did not go into the details of his statement until after the true bill had been returned.

Even then he did not consider Conley's statement of sufficient importance to secure from a safety deposit vault the notes found by the slain girl's body, and they have never been offered Conley for identification.

The effect of the negro's statement on the state's whole case is known to the solicitor alone. Its influence is apparently disturbing, as it has been said that the solicitor was preparing to introduce finger print and handwriting experts in an effort to show that Frank himself wrote the words on the two sheets of paper found in the basement of the National Pencil factory on the morning of April 27.

If Conley's story can not be shaken, the experts will not be needed unless it is to swear to the similarity of his handwriting to that of the notes.

It is a significant fact that the renewed interest of the detectives in Conley came after P. A. Fisk, the finger print expert, had examined the notes and the prints of the fingers of the several people held in connection with the case.

It has been learned that no documentary evidence, not even the notes themselves, was produced before the grand jury which returned a true bill charging Leo. M. Frank with the murder.

Neither Frank's own statement, nor the statement of Newt Lee to the coroner's jury was used.

The only "expert" testimony before the grand jury was that of Dr. J. W. Hurt, the county physician. Dr. Hurt, it is said, couldn't tell the grand jurors whether or not Mary Phagan had been criminally assaulted before she was strangled to death.

This point, it is said, was dealt with by the testimony of Police Sergeant Dobbs, who was among those who first inspected the body, and W. H. Gheesling, of the Bloomfield Undertaking establishment, who prepared Mary Phagan's body for burial.

In the opinion of both of these men, although neither has especial medical knowledge, the girl was assaulted.

RESUME OF EVIDENCE.

A resume of the evidence, so far as the reporters have been able to learn, which was introduced before the grand jury is as follows: Dr. J. W. Hurt told the condition of the slain girl's body without going into details, it is said, of the result of the exhumations; Police Sergeant Dobbs told of the demeanor of the negro Lee, the position of the body, and other details relative to its finding by the police in the pencil factory basement.

The testimony of Detective J. N. Starnes, who was on the stand Friday, is an unknown quantity. Starnes has been working directly with the solicitor general and has been on the case from the first.

R. P. Barrett, employe of the factory, told of finding the girl's hair and the supposed blood near it in the machine room of the factory, where, according to the theory of the state, Mary Phagan was first approached by her assailant.

W. W. Rogers, former county policeman, told of the demeanor of Frank when first interviewed by the police after the tragedy, and of circumstances surrounding Frank's first view of Mary Phagan's body at the morgue in the undertaking establishment. He told also of Frank's changing the tape on the time clock Sunday after the tragedy.

Miss Grace Hix, the young lady who worked at a machine next to Mary Phagan at the factory, told of first identifying her friend's dead body.

E. F. Holloway, day watchman at the factory, told of the position of the elevator on the day of the tragedy and the following morning. So far as Holloway could tell, the elevator had not been moved.

N. B. Darley, general foreman at the factory, testified, but the substance of his statement has never been made public. Darley just after the tragedy professed ignorance of circumstances bearing on it.

Harry Scott, of the Pinkertons, told of the interview which Frank and Newt Lee held in the cell at police headquarters when the negro is alleged to have practically charged his superintendent with the crime, and when Frank is alleged to have told the negro not to discuss the subject any more.

B. B. Haslett, city detective, testified as to the demeanor of Frank when he was placed under arrest on the Tuesday following the tragedy.

FOUND NO ONE IN OFFICE.

Miss Monteen Stover, former employe of the factory, testified that she went to the factory about 12:10 o'clock on the day of the tragedy and just a few minutes after Mary Phagan went there for her pay envelope, and found no one in the office. After waiting some time, Miss Stover says she left the factory and did not return until the Saturday after the tragedy, when she got the pay envelope for which she made the trip to the factory on Memorial day.

N. M. Gantt testified that Frank was unusually nervous when he met him at the door of the factory at 6 o'clock on the evening of the tragedy.

W. H. Gheesland, an undertaker, testified that in his opinion Mary Phagan was assaulted before she met her death and he gave it as his opinion that the girl had been dead a number of hours before the body was found.

After a short discussion in which the point that an indictment is by no means a conviction was made, a true bill was returned against Leo M. Frank and the bill against Newt Lee was left untouched. The jurors deliberated only five minutes.

Lee will undoubtedly remain a while in jail.

HAS LEE TALKED?

His lawyer Bernard L. Chappell says he doesn't want him out and gives the sensational reason that the murderer of Mary Phagan would seek to influence the negro's testimony in some way. This naturally leads to the inference that Lee has told more than has ever been made public and probably he has told more to his lawyer than to the police despite their vigorous examination.

Solicitor Dorsey states that he did not ask the grand jury to take any action on the negro's case. Lee has never been held in the light of a principal by the police who have always contended that Frank is responsible for the death of Mary Phagan. Certainly the negro will remain in jail until after the trial of Frank which will probably be set for the third week in June.

The fact that no effort was made to put character witnesses before the grand jury is not considered unusual and in all probability the character

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THE DICTOGRAPH'LL GET YOU FI YOU DON'T WATCH OUT

LOCAL POSTOFFICE IS IN FOR A PROBE, SAID M'KEE MAY GO

Department at Washington Orders Investigation of the Charges of Insubordination Which Has Hurt Service

"I HADN'T HEARD OF IT," DECLARES POSTMASTER

Thinks Some Person, "Disgruntled Over Discharge," May Mave Preferred Charge, Welcomes Investigation

BY RALPH SMITH.

WASHINGTON, May 24.—That he is making a personal inquiry into the conduct and management of the Atlanta postoffice as a result of charges of insubordination among the clerks and general lack of discipline in the office was admitted tonight by First Assistant Postmaster General Daniel C. Roper.

It was learned further, on good authority, that postoffice inspectors have been, or will be, ordered by Postmaster General Burleson to make a sweeping, though none the less fair and impartial, investigation of conditions as they now prevail in the office and as they have prevailed for months past.

While no one in authority in the postoffice department will admit it, the belief is that the double-barreled investigation of the Atlanta office foreshadows the early removal of Hugh L. McKee, the postmaster. Mr. McKee's term of office does not expire until January 6, 1914.

SUTTON IN WASHINGTON.

George M. Sutton, chief inspector of the Atlanta division, was in Washington on yesterday. It was at first reported that Mr. Sutton's business in the city was of a personal nature, relating to his application for reappointment or

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PIER COLLAPSES, DASHING HUMAN BURDEN TO DEATH

Thirt--three Dead and Scores Injured in Disaster at Long Beach

(By Associated Press.)

LONG BEACH, Cal., May 24.—Too weak to uphold the burde nof nearly 10,000 human beings assembled for the festivities of "British Empire Day" the land end of the big double decked municipal pier in front of the city auditorium collapsed today. Hundreds of persons on the top deck were plunged on the heads of other hundreds crowded on the second deck. The lower deck then gave way, and all were dropped down a chute of shattered woodwork to the tide washed sands, twenty-five feet below.

Thirty-three persons—mostly women, were killed by the shivered timebsr or crushed to death by the falling bodies of companions and friends. Fifty more were seriously injured, while hysteria and freight caused the disabling of scores of others.

A section of the auditorium, which went down in the crash, and the debris from it was added to the wreck that fell on top of the injured and dead.

MANY HEADS MAY FALL IN RAILWAY MAIL SERVICE

Shakeup to Touch George W. Pepper and Chas. Rager of Atlanta, It Is Said.

BY RALPH SMITH.

WASHINGTON, D. C., May 24.—A general reorganization of the railway mail service which will include the removal of General Superintendent Theodore Ingalls, of Kentucky, and the demotion or transfer of six or seven division superintendents, is planned by the postoffice department.

The plan will be put in operation just as soon as its details have been worked out and perfected. George W. Pepper, of the fourth division, which includes the states of Georgia, Tennessee, Alabama and Florida, will, it is believed, be included. Both are comparative strangers to the southern division superintendents to lose out in the general shake-up. His chief clerk, Charles Rager, will also go, it is believed.

Mr. Pepper's headquarters are in Atlanta. Both he and Mr. Rager are comparative strangers to the sotuhern di-

(Continued on Page 2, Col. 1.)

BROYLES ENDS WAIT AND ORDERS ARREST OF MAYOR'S PROTEGE

Dr. W. D. Roper, Convicted on Liquor Charges, Trundled to Stockade for Lack of $500 Fine

"MAYOR MUST PUT HIS CLEMENCY IN WRITING"

Recorder Broyles Takes Radical Step to Force Issue on Temporizing Methods — He Scores Mayor Again

Coincidental with the alleged attack upon Mayor Woodward and the hot retort of the police head, City Recorder Nash R. Broyles further muddled Atlanta's social mix-up Saturday afternoon when he ordered the arrest of Dr. W. D. Roper, proprietor of a drug store at Wall and Pryor streets.

Dr Roper, who was convicted of having whiskey in his place of business for the purpose of sale and of disposing of the liquor, was tried in police court several months ago and found guilty. He fought through the higher courts a long legal battle to have the sentence reversed, and lost. Two months ago the court of appeals handed down a decision sustaining Recorder Broyles.

Then Mayor Woodward stepped in. The city's executive instructed Chief of Police Beavers not to molest Roper because he was considering a pardon or reduction of sentence for the druggist. Obeying the admonition, Chief Beavers did not arrest Roper.

Saturday afternoon Recorder Broyles made a written request to the police head that Roper be arrested and made to pay the $500 fine imposed upon him or serve thirty days in the stockade in lieu thereof. The offender was taken into cutsody immediately by Detective Chandler.

SCORES MAYOR WOODWARD.

Recorder Broyles followed his action by condemning strongly the attitude of Mayor Woodward, in a statement to The Journal.

"Mayor Woodward has the right under the city charter to exercise the power of pardon or reduction of fines in police court cases without my recommendation," said Recorder Broyles, "but he has no legal right to wait two or three months before making such a decision. Under the law he is entitled to

(Continued on Page 3, Col. 2.)

Take Your Vacation This Year At the Expense of The Journal

The Booklovers' Campaign Makes It Possible for You to Get $1,000 in Gold and You Will Not Have to Solicit or Beg Your Friends to Vote for You in Order to Win a Prize. Just Play the Booklovers' Game Right and You Can Win

It is a series of 75 prizes pictures, each representing the title of one book. Then to make it more interesting The Journal will give $7,000 worth of prizes to those who will get the most correct titles to the pictures. You never tried a game that you will enjoy any better than this one.

Come in now and let The Journal pay you for having a good time!

COLYAR TELLS WHERE HE AND COL FELDER OUGHT TO BE FOR GOOD OF SOCIETY

Editor The Journal:

I herewith hand you a telegram in answer to one that I got Chief of Police Beavers to send, which explains one of Thomas B. Felder's visions, which appeared in the Morning Eye-Opener of Saturday, and from my relations and connections with this astute and would-be bribe-giver, my conscience tells me that society at large would be better off if T. B. Felder and myself were both in Sing Sing.

(Signed) "A. S. COLYAR."

The telegram referred to follows:

Ossining, N. Y., May 24, 1913.

J. L. Beavers.

Chief of Police, Atlanta, Ga.

No record of A. S. Colyar can be found in Sing Sing prison.

JOHN S. KENNEDY, Warden.

"FELDER IS THE MOUTHPIECE OF THE VICE GANG," DECLARES CHIEF OF POLICE JAS. L. BEAVERS

"This Is the First Gun in a Fight to Oust Me From Office," Says the Chief in an Interview Given Out Saturday Afternoon — "This Issue Is Between the Decent People and the Allies of Vice Who Have Controlled the City Politically for Years"

MAYOR WOODWARD SAYS HE'S AGAINST BEAVERS, BUT NOT IN ANY CONSPIRACY TO REMOVE HIM FROM OFFICE

Says He Differs With the Chief on Policy, Not Personally. The Mayor Says Recent Dictograph Episode Has Destroyed His Belief in the Efficacy of That Ingenious Instrument — Charles C. Jones Denies Any Part in Fight to Remove Chief

As one of the many outgrowths of the alleged dictographed conversations of Colonel Thomas B. Felder, Mayor Woodward, Charlie C. Jones and E. O. Miles, in which they are quoted as seeking evidence to impeach Police Chief James L. Beavers and Detective Chief N. A. Lanford, Chief Beavers late Saturday afternoon gave out a red-hot statement in which he charged that the vice gangsters were conspiring to oust him from office because of his activity in closing up Atlanta's restricted district.

The chief declared that Colonel Felder was the mouthpiece and agent of the gang which seeks his scalp. He said this gang was endeavoring to get him in a corner and that the fight now on and that it would be a fight to the finish.

According to Chief Beavers he has been informed that checks aggregating $1,500 have been deposited to be given over to any woman who could get him into a room with her.

"The houses have been closed eight months and they will remain closed as long as I am chief," he says. "Those fighting me will resort to any political trick to bring my undoing. I am fully advised as to what they are doing and all I ask is that the decent people of this city continue to give me their support."

CHIEF BEAVERS' STATEMENT.

Following is the statement issued by Chief Beavers:

"It's a fight to the finish. The battle is on. I am going to force the vice gangsters into the open. This is the first gun in an attempt to get me out of office. I have shot into their hole so hot that they've got to come out.

"Felder was hit first and it was so warm for the others that they had to show their hand. The issue is now between the decent people of the city and the allies of vice, who have controlled the city politically for years.

"I know that the majority of the people of Atlanta are with me in the fight, and all I want is their continued support.

"This has outgrown a personal issue and any issue which may have developed in connection with the Phagan case, and has assumed the proportions of the hottest fight in the political history of Atlanta.

"I will fight them to a finish if I die in my tracks. They are trying to back me in a corner, and I fight when they try that. Even a rat will to back me in a corner, and I fight when they try that. I do not propose to wait until I am forced too far back into a corner before defending myself.

"MOUTHPIECE OF THE GANSTERS."

"Felder is the mouthpiece of the gang and an agent to get me out of office. The vice gangsters are losing money because of the closing of the restricted district and, while I do not believe they will do anyone bodily harm, I am satisfied they will not hesitate at political trickery.

"I have heard it rumored that three $500 checks have been deposited by three different men interested in houses in the former restricted district for any woman who could get me into a room with her.

"The Atlanta Constitution has never been in sympathy with me in my efforts to eliminate vice. It has done much to hinder and hamper my work. This paper seems to have made a personal fight on me, never losing an opportunity to embarrass my efforts.

"Shortly after the houses were closed I had a talk with Mr. Clark Howell, editor of the Constitution, in his office. During the conversation the question of suppressing vice came up and Mr. Howell remarked that there was no doubt that the houses were then closed, but asked whether I would be able to keep them closed. I replied that they will remain closed as long as I am in office.

"Mr. Howell never commended nor condemned my reply, but ever since that time the Constitution has indirectly used its influence against me."

WOODWARD HOOTS AT THE IDEA OF "PLOT" TO OUST BEAVERS

Mayor Woodward last night was interviewed by a Journal reporter in regard to Chief Beavers' statement.

Among other things, the mayor said: "I haven't read the chief's statement; but if he charges or intimates that I am connected with or in sympathy with any conspiracy to throw him out of his job, then he is simply mistaken.

"I have not been a supporter of Chief Beavers since I became mayor, but everybody's known that. There's been no secret about it so far as I was concerned. I've got nothing personal against him. I simply differ with his policy in reference to the vice question. And I must say that neither he nor Chief Lanford have elevated the standard of the police department in the way they have handled the situation.

"Now, understand me. I don't want to get into any controversy with Chief Beavers. As I said, I've got nothing against him personally at all. And I have not hampered him or intefeerd with him in his management of the police department, and don't intend to.

"As for the conspiracy which you say he speaks of, there is no such thing so far as I know. I think about all the conspiracy that exists, is what Lanford and his detectives have tried to create.

"It looks like the detectives fixed up what they thought was a nice little trap, and then went to work to catch everybody the yhad it in for—myself included.

"Of course if I had it to do over again I probably wouldn't go to the Williams House. I shouldn't have gone when I did, I reckon, but should have made them see me in my office if they had anything in the way of graft evidence. But I went, and there was absolutely nothing said by me that I am ashamed of or want to conceal from the public.

"DICTOGRAPHS NO GOOD"

"This much I will say, though, and that is if the dictograph record purporting to show what was said is a fair sample of the dictograph, then it is one of the biggest fakes that ever came down the pike. I used to think it was a fine thing in detecting criminals and such like, but I think now that it must be used by very honest, high-toned men or else it becomes an instrument of crookedness and blackamil.

"Ed Miles simply came to me and said he thought he had found so emevidence of graft in the police department and asked me if I would mind going with him over to the Williams House. I couldn't go right then, but went over later.

"My motive was simply this, and no more: If there was evidence of graft in the police departenmt—real evidence —I wanted it. Certainly I did. A man would be a poor mayor if he wouldn't want to unearth graft, if such existed. I told them if they had anything that would be of value, that is, something that could convince, I thought they needn't be uneasy about Febuary losing his job, or about being paid for their trouble. And by that I didn't mean they'd be paid in a way that was improper. That was all there was to it. They promised to deliver the goods, but I never heard from them any more."

"I'M IN NO CONSPIRACY TO OVERTHROW CHIEF," SAYS JONES

Further than to deny that he is involved in a fight against Chief of Police Beavers or harbors any enmity against that official, Charles C. Jones, proprietor of the Rex near-beer saloon and a participant in one of the alleged conversations overheard by the police with the dictograph, refused to make any statement Saturday night.

"I have no statement to make," he said.

"The only thing I want to say," he added, "is that I am not in any conspiracy to overthrow Chief Beavers.

"I went to the room in the Williams house N. 2, as calimed. I was invited there by Miles, but I wasn't in the place more than five minutes."

Jones also asserts that the record of the dictograph is faulty. He declares that certain parts of his conversation which would explain most of the apparently embarrassing remarks accredited to him have been left out.

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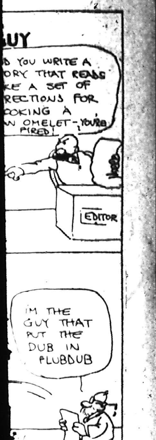

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