

DEFENSE RIDDLES JOHN BLACK'S TESTIMONY

Three Important Witnesses for the State in Frank Trial



Photo by Francis E. Price, Staff Photographer.

Miss Grace Hicks, an employee of the National Pencil factory, and a friend of Mary Phagan, who testified on Wednesday morning; Detective John Black (wearing derby), who was put through severe cross-examination Wednesday afternoon by the defense, and Harry Scott, of the Pinkertons, who has had charge of this agency's investigation of the Phagan mystery. He will go on the stand today.



SLEUTH CONFUSED UNDER MERCILESS CROSS-QUESTIONS OF LUTHER ROSSER

Just Before He Left the Stand He Confessed That He Was "Mixed Up" and That He Could Not Recall What He Had Testified a Moment Before—Tangled on Finding Bloody Shirt.

FRIENDS OF PRISONER HAVE HIGH HOPES NOW OF FAVORABLE VERDICT

"Boots" Rogers, Grace Hicks, Mrs. J. W. Coleman and J. M. Gantt on Stand During Day—Mobs of Curiosity Seekers Besieging Doors to Gain Admission to Frank Trial.

When Wednesday's session of the Leo M. Frank trial had come to a close, the friends of the accused were filled with high hopes for his acquittal. They were nothing short of jubilant, and on all sides expressions of satisfaction were heard.

This feeling was based on the fact that the testimony of John Black, member of the Atlanta detective department, who worked up a large share of the evidence against Frank, fell to the ground, in a large measure, under the merciless cross-questioning of Luther Rosser.

Time and again Black contradicted himself as to time; time and again he confessed that he did not remember. Just before he left the stand he confessed to Mr. Rosser that he was "mixed up," and that he could not recall what he had testified a moment before.

Black Very Nervous.

Black's memory proved treacherous on many points, but it was in regard to the finding of the bloody shirt at Newt Lee's house that he got mixed up and confessed his inability to recall dates.

Solicitor Dorsey had stated that he expected to show that Black had gone to Lee's house only after Frank had informed him that several punches were missing from the time slip taken from the register clock, and that Lee would have had time to go home; that after Frank's house had been searched for incriminating evidence at the suggestion of Herbert Hans, that Frank sought to have Lee's house searched and that the bloody shirt was really a "plant."

Black's answers failed to bear out the contention of the solicitor. He could not say with any degree of certainty what day it was Frank had told him of the "misses" on the time slip.

He was also hazy as to the time Frank was actually detained at police headquarters. He could not tell by some hours what time he and De-

detective Haslett took Frank to the police station on Monday morning following the murder.

Black impressed a majority of the spectators as honestly trying to recall facts, but his inability to do so was manifest.

He seemed nervous. During the cross-examination by Luther Rosser he folded and refolded a large white handkerchief, frequently mopping his face.

Rogers on the Stand.

Other witnesses who testified for the state Wednesday were W. W. (Boots) Rogers, Grace Hicks, a sister-in-law of Rogers, who worked at the pencil factory and who first identified the body of Mary Phagan; Mrs. J. W. Coleman, mother of the dead girl, who was questioned for a short time, and J. M. Gantt, the discharged shipping clerk, who, for a time, was held in jail on suspicion.

Mr. Rogers made a good witness. He was accurate as to time, and the cross-questioning of Luther Rosser failed to confuse him. Rogers testified that to his best knowledge and belief Frank never saw the face of the dead girl in the undertaking establishment and that he could not have known who she was. At the coroner's inquest Frank testified that he had seen the girl at the undertaking establishment.

Grace Hicks told of identifying Mary Phagan by her hair and she did not know whether Frank was personally acquainted with the dead girl or not. She said that she had worked

at the pencil factory for five years and that during that time she had spoken to Leo Frank just three times. Grace Hicks is a decidedly pretty girl of 17, and she told her story in a perfectly frank and straightforward manner.

J. M. Gantt testified that he had been discharged from the National Pencil factory for alleged shortage in the pay roll. He explained that one of the pay envelopes was short and that when he declined to make it good Frank discharged him.

He said he had known Mary Phagan for years; that the families lived close together in Cobb county at one time. He told of Leo Frank remarking:

"You know Mary pretty well, don't you?"

He said Frank was decidedly nervous on the day he went to the factory to get his shoes.

Crowd Still Large.

Instead of diminishing, interest in the Frank trial grows daily. Mobs of curiosity seekers besiege the doors for admission. Many of them resort to all sorts of subterfuges to gain admission. The "I am a reporter" is the favorite dodge. At times bona fide newspaper men find difficulty in gaining admission on account of the suspicion entertained of all persons claiming to be reporters.

"BOOTS" ROGERS GOES ON STAND

The first witness put on the stand when court convened Wednesday was "Boots" Rogers, in whose machine police officers responded to Newt Leo's call to the factory where Mary Phagan's body was found.

Rogers told of the trip there and of the finding of the body and of the arrest of the negro. He then said that Detective J. N. Starnes called up a person, whom he afterwards heard was Frank, and told him to come to the factory.

Rogers took Detective John R. Black in his auto and went to Frank's house. At the door he said the ring was answered by Mrs. Frank, who was dressed in a heavy bath robe, and while they were talking to her Frank himself appeared from behind a portiere curtain in the hall and began to ask them what was the matter at the factory.

Says Frank Was Nervous.

Testimony as to the defendant's nervousness and his frequent asking for coffee before he left home and later at the factory made up the greater part of Rogers' statement on the stand.

Rogers also went into some detail about the actual finding of the body and later about the way in which Frank acted at the undertaker's shop.

Frank was nervous there, Rogers said, and did not enter the room to see the girl, but went into another room before the undertaker had turned the face toward them.

Rogers also told of the time clock at the factory and declared that Frank had taken out and put away the slip in the clock and put another one in its place.

Rogers declared that Frank had declared that the clock was correctly punched and that he also looked at the slip and that as far as he could tell the punches were regular and there was nothing out of the way in the appearance of the slip.

MISS GRACE HICKS GIVES TESTIMONY.

Miss Grace Hicks, a sister-in-law of Rogers and the girl whom he carried to the factory to identify the dead girl's body, was next placed upon the stand. She said that she had worked there five years and that she had known Mary Phagan for about a year.

That Leo Frank came into the metal department where the Phagan girl and she worked, but that she had never seen Frank speak to Mary Phagan, was a part of her testimony.

The girl was asked a number of questions about the details of the factory building and of the routine of the employees in her department. She said that Lemmie Quinn was her foreman and that in the five years she had worked there she had only spoken to Frank three times.

The girl was also asked about paint spots on the floor and also if a white substance was not kept in the build-

ing similar to that which covered some of the alleged blood spots on the floor. She said she had never seen any red spots on the floor around her room, but that she had seen paint spots of other colors.

BLACK TELLS OF VISIT TO FRANK.

John Black, third witness on the stand, testified that he was called to the pencil factory at 4 o'clock on the morning of the 26th. He told of having gone with "Boots" Rogers to the home of Leo Frank to bring him to the plant building in Rogers' car and of Frank's apparent nervousness.

Black told, also, of searching the home of Newt Leo and discovering the bloody shirt, which Solicitor Dorsey charges is a plant. He also told of hearing Attorney Herbert Haas, associate counsel for the defense, demand of Chief Lanford that detectives search Frank's home on a day before the accused man was put under arrest.

Black told of Frank's visit to the undertaking establishment shortly after daybreak on the day of the discovery, and of hearing the conversation over the telephone when Detective Starnes summoned Frank to the pencil plant.

He remained on the stand for several hours.

Mrs. J. W. Coleman, mother of Mary Phagan, was recalled to the stand for a short time to identify the mesh bag of her daughter.

J. M. Gantt, once a Phagan murder suspect, then testified about his visit to the factory to get his shoes. He was the last witness. Court adjourned at 4:50 o'clock.