

a couple of hours; Mrs. White was up there at the time and he informed her that he was going to lock up the factory, that she had better leave; Mrs. White preceded him down the stairway and went on out of the factory, but on the way out said she had seen a negro on the street floor of the building behind some boxes; that at 1:10 p. m. he left the factory for home; arrived at the factory again at 3 p. m., went to work on some financial work and at about 4 o'clock the night watchman reported for work, as per his instructions the previous day; that he allowed Newt Lee to go out and have a good time for a couple of hours and report again at 6 o'clock, which Newt did; that he left the factory at 6:04 p. m. and when he reached the street door found Lee talking to Gantt, an ex-bookkeeper who Frank had discharged for thieving; arrived home at about 6:25 p. m. and at 6:30 asked Lee over the telephone if Gantt had left the factory and if everything was all right, to which Lee replied "Yes;" that he went to bed around 9:30.

After that Mr. Frank and Mr. Darley accompanied me around the factory and showed me what the police had found. Mr. Frank seemed to be perfectly natural; saw no signs of nervousness. On Tuesday night, April 29th, Mr. Black told Mr. Frank that he believed Newt Lee was not telling all that he knew; we put them in a private room, they were together for about 10 minutes alone. When Mr. Black and I entered Lee hadn't finished his conversation with Frank and was saying, "Mr. Frank it is awful hard for me to remain hand-

cuffed to this chair," and Frank hung his head the entire time the negro was talking to him, and finally in about thirty seconds, he said, "Well, they have got me too." After that we asked Mr. Frank if he had gotten anything out of the negro and he said, "No, Lee still sticks to his original story," Mr. Frank was extremely nervous at that time. He was very squirmy in his chair, crossing one leg after the other and didn't know where to put his hands; he was moving them up and down his face, and he hung his head a great deal of the time while the negro was talking to him. He breathed very heavily and took deep swallows, and sighed and hesitated. That interview between Lee and Frank took place shortly after midnight, Wednesday, April 30th. On Monday afternoon, Frank said to me that the first punch on Newt Lee's slip was 6:33 p. m., and his last punch was 3 a. m. Sunday. He didn't say anything at that time about there being any error in Lee's punches. Mr. Black and I took Mr. Frank into custody about 11:30 a. m., Tuesday, April 29th. His hands were quivering very much, he was very pale. On Saturday, May 3rd, went to Frank's cell with Black and asked him if from the time he arrived at the factory from Montag Bros. up until 12:50 p. m., the time he went upstairs to the fourth floor, was he inside of his office the entire time, and he stated "Yes." Then asked him if he was inside his office every minute from 12 o'clock until 12:30 and he said "Yes."

*Cross-examined.* Am not sure whether I got a statement about Mary Phagan being familiar with