

was expecting Jim Conley, and he also knew that Newt Lee was coming. Aye, there was the rub! He expected them both, and it depended upon which one arrived first as to how things would go. If Jim got there first and disposed of that body, all right; but suppose Newt Lee got there first! Then was the defendant in the position of Napoleon at the battle of Waterloo, when he wondered which army would arrive first, and knew that upon this question depended victory or defeat. The wrong army arrived, and Napoleon went down!

Newt Lee arrived at the pencil factory that afternoon, but where was Jim Conley? Yes, that's what the defendant asked himself, "Where is Jim Conley?" Jim Conley was getting that much-needed sleep after the exciting events he had gone through with. That's where Jim Conley was. Then was the defendant lost.

He sent Newt Lee away, with the last hope that Jim might yet turn up and burn the body as had been agreed upon. "Go out and have a good time, Newt," that's what the defendant told good old honest Newt Lee. He said, "It is not Newt Lee I want, it is Jim Conley. Go away, Newt, and stay until 6 o'clock. Give me two hours more." Two hours passed, and Jim Conley did not show up. He was taking that much-needed nap. Newt came back, and the game was up. He talked to Newt Lee about the night's work and started home.

Now, gentlemen of the jury, I want to call your attention to a very peculiar thing: As the defendant passed out of the factory door, he met Gantt, old long-legged Gantt, who was looking for his shoes. Witnesses testified that the defendant jumped back startled. Why? Think why? He wasn't afraid of Gantt. Gantt wouldn't hurt a flea. That wasn't the reason. He knew that Gantt knew Mary Phagan and had lived close to the family, and Frank thought that Gantt was looking for little Mary, who was missing from home and should have been back long ago. That's why he jumped back when he saw Gantt. He had called Gantt down about "setting up" to Mary, and had fired him over an argument about