

towards the door of the office adjoining Mr. Frank's office, which door leads into the factory. Miss Phagan turned to Mr. Frank and asked him if the metal had arrived yet, to which Mr. Frank replied 'No,' and the girl then went on away out of the factory, as far as Mr. Frank knows, as he did not see anything of her during the afternoon. About 12 o'clock, noon, Mrs. J. A. White entered the factory and went to the top floor where her husband, J. A. White was working, and at 12:45 p. m., Mr. Frank went to the 4th floor and in the presence of Mrs. White told Denham and White that he was going to lock the doors, and Mrs. White then left the factory, but White and Denham informed Mr. Frank that they had not finished their work and Mr. Frank then told them to remain until they had gotten through. Mr. Frank left the factory about 1 p. m. Saturday, while White and Denham were still on the top floor. Mr. Frank then went to his home, to his dinner, returning to the factory at 3 p. m., and he saw that White and Denham were about through with their work, and both of them left the factory at about 3:09 p. m. As far as Mr. Frank knows he was the only person left in the factory after that hour. On Friday, Mr. Frank had instructed his negro night watchman, Newt Lee, to report at the factory on Saturday at 4:00 p. m. on account of it being a holiday, and none of the employees working. At 4 p. m. the negro Newt Lee arrived at the factory, reporting for work to Mr. Frank, who told him that it was not necessary for him to go to work at that time, but that he could go out in the street and have a good time until about 6 p. m., and that in the meantime Mr. Frank would stay at the factory. The negro left the factory, returning again at 6 p. m., and at 6:05 p. m. Mr. Frank left the factory for his home and on his way out of the factory by the Forsyth Street door he saw the negro night watchman, Newt Lee, talking to a bookkeeper named John M. Gantt, who had recently been discharged by Mr. Frank. It developed that Gantt was asking the negro watchman, Newt Lee, to allow him to go to the second floor of the factory and secure a pair of shoes that he had left there, as he wanted to go to his home in Marietta, Georgia, and do some plowing and the negro, Newt Lee, then asked Mr. Frank if he would allow Gantt to enter the building. Mr. Frank knowing that he had discharged Gantt for thievery, hesitated about allowing Gantt to enter the building, but finally told the night watchman to let Gantt in, but to stay with him until he secured the shoes, and then see that Gantt left the building without taking anything that belonged to him. About 7:30 p. m. Mr. Frank states he called up the factory, as he knew that Newt Lee, the night watchman, was about to punch the clock at the hour and could hear the telephone bell ringing inside the office, and Newt Lee answered the telephone. Mr. Frank states that he inquired of Lee if Gantt had left the building, to which he replied in the affirmative. Mr. Frank then asked Lee if everything else was all right, to which Lee replied 'Yes.' Mr. Frank states that this was the extent of his telephone conversation with Lee."