

**LEO M. FRANK KIDNAPPED AT NIGHT  
FROM GEORGIA STATE PRISON FARM  
BY ARMED MEN IN AN AUTOMOBILE**

**WARDEN IS OVERPOWERED**

**Prison Telephone Wires  
Cut in Advance to Pre-  
vent Interruption.**

**TWENTY-FIVE MEN IN PARTY**

**Frank, Not Yet Recovered from  
Wound Fellow-Convict Gave  
Him, Rushed Away.**

**25 TO 70 MEN IN PARTY**

**Member of Mob Said to Have  
Shouted They Would 'Put His  
Body on Victim's Grave.'**

**TRIALS OF NOTED PRISONER**

**Since Murder of Mary Phagan He  
Has Been Thrice Sentenced to  
Die, Once Nearly Killed.**

*By Long Distance Telephone to The New York Times.*

MACON, Ga., Tuesday, Aug. 17, 3 A. M.—Leo M. Frank, who was serving a life sentence for the murder of Mary Phagan, an Atlanta factory girl, and whose life was attempted last month by a fellow prisoner and has since been slowly recovering from a slash across the throat that nearly caused his death, was kidnapped at 11:40 o'clock last night from the State Prison Farm at Milledgeville.

Twenty-five armed and masked men took Frank from the prison after overpowering the Warden and prison guards, and hustling Frank into one of the several automobiles that composed their party, set off at full speed along the turnpike in the direction of Eatonton.

First reports that the kidnappers might be friends of Frank were dispelled when a prisoner said he heard a member of the mob shout that Frank's body would be placed tomorrow on the grave of Mary Phagan at Marietta, Ga.

#### **Left No Trail Behind.**

From the moment the party left Milledgeville, all trace of them has been lost so far as officials here have been able to learn. Attempts to reach Milledgeville by telephone and telegraph showed that every wire leading to the State farm had been cut to prevent the prison officials giving the alarm.

Police officials of this town were aroused by news of Frank's departure in the hands of the twenty-five, and two automobiles, filled with officials, hurriedly aroused from sleep, set out from here a short time ago. The autos took a road toward Atlanta, hoping to head off Frank and his captors, should those who have the unfortunate young man in charge be aiming toward Atlanta, the city where Mary Phagan lost her life.

#### **Didn't Pass Eatonton.**

The last word received here was that no sign of the men had been seen in Eatonton, though it was toward that village that the flight was begun. Eatonton lies about twenty-five miles in a northwesterly direction from Milledgeville, and it is probably thirty-five to forty miles from this city, the three towns forming a triangle, with Macon at the southern point, Milledgeville at the eastern, and Eatonton at the north.

Atlanta is about 103 miles northwest of here, and little more than this distance from Milledgeville through Eatonton. The fact that the autos had not been sighted in Eatonton made it seem to officials here as though the party had cut to the west from the main road and were striking across country for the more direct pike between here and Atlanta. It was along this latter road that the Macon officials started.

### **Prison Guards Handcuffed.**

Few details of the kidnapping of Frank can be obtained here because of the cutting of the wires. So far as is known there were from 25 to 70 in the party that approached the prison farm at 11:40 o'clock. The prisoners, who sleep in a single big dormitory, are required to retire at 8 o'clock, and had consequently been asleep for some time. The room was in darkness.

### **Little Hope for Frank's Life.**

Not one of the party was recognized by Warden Smith or any of his associates, and no one here has the slightest idea of their identities. It was even suggested at first, as already told, that they might have been friends of Frank who, aroused to his continued danger, even in prison, by the attack on him last month, had determined to release him.

Little credence was given to this belief, however, as Frank was not regarded as having enough or the kind of friends to do such a thing as was done a few hours back. It is feared that Frank may already be dead, or, if not, that his captors are merely carrying him to a place where his lynching may have been predetermined.

Little belief is felt here that he will be seen again alive, and the searchers who left here started as much with the idea of finding his body as of rescuing Frank.

#### **Covered Guards with Pistols.**

The mob was orderly, but worked with quick precision. Eight automobiles took the men to within a short distance of the prison. First all wires from the prison and all except one from Milledgeville were cut.

Five men went to the house of J. T. Smith, the Warden, covered him with pistols, and stood guard over him. Other men went to the house of J. M. Burke, Superintendent of the prison, and held him under cover of their guns.

Practically every other member of the mob then rushed to the stockade gate nearest the dormitory where Frank was being housed. Only yesterday did the physicians discharge him from the hospital, where he had been since being murderously assaulted in the dormitory.

#### **Quick, Silent Kidnappers.**

As on the night Frank was attacked, only two guards were on duty. The mob quickly overpowered Chief Night Guard Hester and the other man on duty, proceeded to the dormitory, and within a few minutes seized Frank and rushed him back to the automobiles.

Those who had been holding Smith and Burke left as soon as Frank was brought out and joined their fellows.

The automobiles were then started in the direction of Eatonton. Nothing more had been heard of them hours after they left.

Only one member of that part of the mob that went to the dormitory talked except for the remark quoted. He gave the commands to the guards, and these were backed up by the arms of the other members of the mob.

In taking the road in the direction of Eatonton the kidnappers would be going almost as straight as possible toward Marietta, which is about 110 miles northwest of Milledgeville.



**Didn't Pass Through Eatonton.**

EATONTON, Ga., Tuesday, Aug. 17.—The party which took Leo M. Frank from the State Prison farm tonight had not passed through here up to 1:30 o'clock this morning.

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**Sheriff's Posses Ordered Out.**

AUGUSTA, Ga., Aug. 14.—Sheriff's posses have been ordered out in all counties surrounding Baldwin County, in which Milledgeville is located, in an effort to find Frank and the party which took him.

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**FRANK WOUNDED AND WEAK.**

**Had Not Recovered from Fellow-Convict's Attack—His Many Trials.**

Leo M. Frank was only just recovering from an attempt to kill him, which was made on July 17 by William Green, a fellow convict at the Prison Farm at Milledgeville, who cut Frank's throat with a prison-made butcher knife. The young life prisoner was in a weakened condition, for the excessive heat had retarded his recovery, and two weeks ago his head was encased in surgical braces so as to prevent the stitches on the left side of the neck from tearing out.

He was taken to the prison farm on June 20, the day before Governor Slaton commuted his death sentence to one of life imprisonment for the murder of Mary Phagan, a fourteen-year-old factory girl of Atlanta.

From the time of Frank's arrest on

April 29, 1913, three days after the murder of the little girl, the populace of Georgia seemed to be greatly aroused against the young factory manager. All sorts of stories, calculated to reveal Frank as a brute, were circulated and public sentiment was so strongly stirred against him following his indictment on July 28, 1913, and the beginning of his trial on the 22d of the next month, that Frank was kept out of the court room when he was convicted and sentenced on Aug. 28.

Then began a fight to save Frank's life which lasted until Governor Slaton announced his commutation, an act which brought threats against the Governor's life and caused him to proclaim martial law about his country home near Atlanta and call out the militia to protect him.

On Oct. 31, 1913, a motion for a new trial was brought. Counsel for Frank made a hard fight, but the motion was denied. Thereupon they carried the case to the State Supreme Court, asking for a new trial. On Feb. 17, 1914, this motion also was denied, and eighteen days later Frank was again sentenced to die for the murder of Mary Phagan.

Instantly a new motion for a retrial was made, and again, on May 5, this was denied.

Every resource of the State courts had then been tried unsuccessfully, and counsel for Frank turned to the United States Supreme Court for aid. They made an appeal on the question of a writ of error, and after long arguments on both sides, the court decreed that no such writ lay and left Frank's death sentence still operative.

A way yet remained open, and Frank's lawyers took it. On Dec. 28, 1914, they appealed to Justice Lamar, who granted them a hearing on the writ of error. On Feb. 28 of this year the Supreme Court heard Louis Marshall in a final argument to save Frank's life. The case was considered until April 19, when the court declined to issue the writ, and on May 10 Frank, for the third time, was sentenced to death.

His lawyers then arranged for an appeal to the State Prison Board. Petitions were circulated throughout the country, and thousands of petitions were signed. Private appeals were telegraphed and written to Georgia's Chief Executive. Newspapers throughout the country called on Georgia to free itself from a species of hysteria which seemed to grip the State, and to give Frank justice. Prominent lawyers analyzed the testimony and wrote articles, tending to show how the evidence, so far from convicting Frank, seemed to fix the guilt on Jim Conley, the negro, whose testimony was the chief factor in the evidence against Frank. But on June 9 the State Prison Board declined to act.

### Appeal to Slaton Saves Him.

There remained then the sole hope of an appeal to the mercy of Governor Slaton. The Governor practically held a new trial. Attorneys for the State and for Frank went over the testimony, analyzing it, and developing its strong points from their opposite viewpoints. This took several days and then the Governor went into retirement. He emerged on June 21 with the announcement that Frank should not die. He said that he felt that there was a doubt of his guilt and that, feeling thus, he could not see the death sentence carried out.

Frank was even then at the State Prison Farm. He had been assigned to light work around the Dormitory, where he would be more closely under the eyes of the officials, for Frank was not on good terms with other inmates of the prison. There, too, apparently the prejudice had extended, and officials kept a close watch over him, although they did not think that he would be attacked.

It was in this dormitory that Frank was attacked on July 17. It is a large room, occupied at night by all the inmates of the farm. Until 8 P. M. the prisoners were allowed the freedom of this room, but thereafter none could move without the permission of a keeper. The attack on Frank was so sudden that no guard could interfere.

Green drew a knife from his clothing, sprang behind Frank, and glashed him across the throat. The jugular vein was severed, and Frank's head was nearly cut off, but the windpipe and spinal cord were not cut. The lights were out, but at Frank's scream they flashed on and Green was disclosed, trying to make his way back to bed. Frank did not lose consciousness. To the first to bend over him he remarked:

"I guess they've got me."

Then he was placed on the operating table and efforts were begun to save his life. Green expressed sorrow after he had been captured. He said:

"At the moment I thought I was doing right. Now I am sorry because of the criticism, which I realize this will bring on Warden Smith. I wouldn't do a thing in the world to injure him. He had confidence in me and I violated that confidence."

It was two or three days after this before Frank was declared to be out of danger of death from his wound.