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During the progress of the case, after evidence had been introduced laying the crime, with many offensive details, upon Frank, the feeling against him became intense. He was the general superintendent of the factory, and Mary Phagan was a poor working girl. He was a Cornell graduate, and she was dependent for her livelihood upon her labor. According to a witness, whose testimony will subsequently be related more completely, when this girl came to get her small pay, since she only worked one day in the week because of a lack of material, this general superintendent solicited her to yield to his importunities, and on her refusal, slew her.

The relation of these facts anywhere and in any community would excite unbounded condemnation.

If the audience in the court room manifested their deep resentment toward Frank, it was largely because of this evidence of feeling beyond the power of a court to correct. It would be difficult anywhere for an appellate court, or even a trial court, to grant a new trial in a case which occupied thirty days because the audience in the court room upon a few occasions indicated their sympathies. However, the deep feeling against Frank which developed in the progress of the evidence was in the atmosphere, and regardless of the commission of those acts of which the court would take cognizance, the feeling of the public was strong.

Since Governor Brown has related secret history in his public argument before me, I may state that on the Friday night before the verdict was expected on Saturday,