

Title:Herbert G Schiff Sworn In For The State, 38th To Testify
Category:LEO FRANK TRIAL BRIEF OF EVIDENCE

HERBERT G. SCHIFF, sworn for the Defendant.

I am assistant superintendent of the National Pencil Co.; I have been with the company about five years. Part of my duties was to get up data for the financial sheet. I occupied the same office as Mr. Frank. I took a trip on the road on the first Saturday in January. All of the company's money except the petty cash was kept over at Montag Bros. office at the general manager's office, Mr. Sig Montag. All mail of the company is received at Montag Bros. The men in Mr. Montag's office made the deposit of money of the company. Mr. Frank and I only handled the petty cash ranging from \$25. 00 to \$50. 00. When we wanted money for the pay roll, we would get a check from Mr. Sig Montag who signed for the company. Mr. Frank and I had no authority to sign checks. I would go to the bank and get the money and we would go to work at once filling the pay envelopes. We would always draw the exact amount of the pay roll. Our petty cash amounted to from \$25 to \$50. We kept that on hand for items like drayage, kerosene, soap, candles. The money for the cash would also come from Mr. Montag 's office. The salary of Mr. Frank and myself were paid by check, on the last of the month, or the first of next month. Mr. Frank's salary was \$150 a month and my own \$80. Montag Bros. ' office is about four blocks from the factory. The company's bills were paid from Montag Bros' office, where all the finances of the company were taken care of. We simply looked after the manufacturing end. The financial sheet which Mr. Frank and I worked on on Saturdays showed how our week terminates, whether at a profit or loss. We had to show what we manufactured, what we packed, the materials that were made to go on the pencils, covering lead, plugs, tips, boxes. We showed our shipments, what our average order jobs

amounted to, what we purchased for and the price. Our factory week began on Friday night and went through Thursday night. In making up the financial sheet we would show it as ending on Thursday of every week. We couldn't make it up until Saturday afternoon because our reports very seldom came in before Friday noon and sometimes Saturday morning and also our pay roll which showed on the financial sheet. These reports and the pay roll were necessary to make up the financial sheet. We paid off at Saturday noon. It has been our fixed custom ever since we have been in existence to make up the financial sheet on Saturday. I help Frank make out the financial sheet by getting up part of the data, getting up a sheet that we term the factory record, the number of pencils packed for the week, getting up the tip records; I get the reports from the different foremen and foreladies; I get the slat records from the slat mills, the number of slats delivered to manufacture pencils with, and give him the totals of the pay roll. With the exception of the last week in July and the first week in August I missed no time from the factory after June 1st, excepting my trip on the road during January. With that exception I have not missed a single Saturday after the first of June, 1912. I usually leave the factory at 12:30 and return at 2 to 2:15. Frank would leave a little after one and return about three. I do not recall a single Saturday that Frank returned earlier than I did. As soon as Frank would get back he would get to work on his part of the data and he would continue to finish the sheet. We both worked together. The street doors were always open. Office boy would be in the outer office.

Frequently we were interrupted by salesmen calling on us Saturday afternoon. The stenographers came back very seldom on Saturday afternoon. We were liable to be interrupted at any time on Saturday afternoon by people on business. As to who else stayed at the factory on Saturday afternoon, Harry Denham usually, Walter Pride, Holloway, who

would stay until 4:30. Newt Lee was the first negro night watchman we ever had. Frank and I usually left the factory at half past five or a quarter

to six on Saturdays, we usually left together. Very often Mrs. Frank would come up to the office on Saturday. I never saw Conley around the office on Saturday afternoon after two o'clock. We never had any women up in the office. I never saw any there. There is not a bed, cot,

lounge or sofa anywhere in the building. There is a dirty box with dirty crocus sacks on it in the basement on the Clarke Woodenware Company side. It is very filthy and dirty down there. I went on the road on the first Saturday in January, 1913. I got back to the factory that day about 2:15, in the afternoon. There were ten or twelve fellows there. Conley

was not there. They were all there and told me good-bye, with the exception of two or three who accompanied me to the train, including Mr. Frank. There were no women at the factory. I have never seen Mr. Dalton in the factory in my life. Daisy Hopkins worked on the office floor. She left the factory June 6th, 1912, as appears on the time book. Never saw her in the factory after she quit work. On the first Saturday in January, Frank remained in the office with me until 5 o'clock to catch my train. I was at the factory last Thanksgiving Day. It was very cold and rainy. It was a holiday at the factory. The office boy and Conley were also there. I ordered Conley to come back that day to clean up the box room with Frank Payne, the office boy. Conley got through about half past ten. I know he did not stay at the factory until noon. Frank and I were all of the time in the office doing clerical work. Frank left that day at 12 o'clock. We left together. I saw Frank catch his car for home that day. Frank was carrying bundles, for the B'nai B'rith, which was going to have an affair that night. Mr. Frank is president of it. It is a charitable organization. It takes care of orphans and things of that sort. I paid off the help on Friday, April 25th, from the pay window outside of the office. I remember paying off Helen Ferguson that day. Nobody came up to ask for Mary Phagan's pay. Before any one could get another's envelope, they have to have a note to that effect. There was no reason for anyone to go to Mr. Frank to get their pay Friday, April 25th. I was at the window paying off employees. We had posters put up all over the factory announcing that Saturday would be a legal holiday and that the factory would be closed. Those who would not call for their pay would frequently come in on the next working day, which in this instance would be Monday. No one could really know whether anyone was coming in for their pay on Saturday or not. Helen Ferguson did not ask for Mary Phagan's pay Friday, April 25th. Mr. Frank and I left the factory between six and six-thirty that day. I was supposed to get up the

pencil contracts for the week on Friday. It was necessary to get this up in order to complete the financial sheets. I did not get them up on Friday,

because I had to pay off on Friday, and as the week only closed on Thursday night, we had all we could do to figure out the pay roll and get the money before the bank closed at 2 o'clock on Friday. That threw extra work on Mr. Frank in getting up the financial on Saturday. I intended to come back to the factory on Saturday morning, but overslept myself. Mr. Frank called me by telephone twice on Saturday morning. My maid answered the telephone. That picture (State's Exhibit "A") shows Mr. Frank's office, inner office, to be bigger than the outer office.

As a matter of fact the outer office is twice as large as the inner office.

The picture shows an inaccuracy as to the relative position of the elevator

shaft from the outer wall of Mr. Frank's office. It is directly opposite the time clock. The picture shows it below the time clock nearly to where the staircase is. The door entering into the Clarke Woodenware place was open two or three days after the murder. The door was previously locked. There is a hole back there through which waste is thrown down. It is an open hole. There is no lid to it. It is big enough for the body of a girl of the size of Mary Phagan to go through. If a body was

thrown down it, it would roll down and stop on the platform. Mr. Frank did not know that I had not completed the data sheet (Defendant's Exhibit "3") for him before Saturday morning. It usually took Mr. Frank and me about three hours to finish the financial sheet. This is the financial

sheet that Mr. Frank made up on Saturday afternoon, April 26th

(Defendant's Exhibit "2. "). It is in his handwriting. I didn't see it at

the factory on Friday. First saw it the following week when I got it back from the General Manager. It is accurately prepared from the calculations left by me on the data sheet. I haven't found any mistakes in it.

The first items on it are standing items and do not require any calculations,

if you know it. Those are the items headed, "direct, indirect, rent, light, heat, water, power, insurance, sales department, repair sundries, machine shop. " Under the heading "Material Costs," the first figure 2765 1/2 represents the number of gross that we manufactured for that week. That is the data I furnished him through Wednesday night. I left it there on his desk on Friday night. Mr. Frank's calculation corresponds with the data that I left there. He arrived at the same figure,

2765 1/2, that I did. To get that figure he had to enter all his packing reports

for Thursday containing two or three pages, each of them containing

12 to 15 or 18 items. He has to put that down under the number of pencils that shows on this sheet. He has to calculate and have a separate report as to each kind of pencil and then add them up. We manufacture over a hundred kinds of pencils. That week we dealt with about thirty-five different kinds. To do this you have to add, multiply, classify and separate each pencil into a different class. The next item appearing on the financial sheet is "slats," 2719 1/2. In calculating that he had to calculate the number of gross of slats used, of the product of the pencils, which should check up with the number of gross manufactured. He

would have to go through the packing report for that. The next item is "rubber," 720 gross at 6 1/2 cents, 667 + at 9 cents, 706 1/2 at 14 cents.

That means the rubber plug that goes into the pencil tips. The cheaper pencil takes a cheap plug and the higher grade pencil takes a higher grade plug. That shows how many we use and the kind of plugs; to arrive at that figure he had to go all through the grade of pencils for the entire week, and separate the different ones. That is quite a calculation.

Next item is "tips," the different kind of tips that are used on the pencil

to hold the plug. He would have to go through the grade for the entire week, just like he did for the rubber. The next item is "Lead," which he had to figure out the same way. Different class pencils take different class lead. The next item is "supplies," that is a fixed thing and involves

no calculation. The next thing is "boxes. " We have some pencils that are packed in boxes and some that are not packed in boxes, and he had to ascertain what pencils were packed in boxes, and in gross boxes, and in half gross boxes, multiply them, get them all down together under the

head of " gross" to know how many boxes we used. Next item is "assortment boxes. " He has to sort out his packing reports to know the number had for that week. The next item "wrappers" requires calculation because every dozen pencils takes a wrapper. People sometimes want them packed in tissue paper, and he has to know which pencils are packed. He has got to go through all the pencils to determine which took wrappers and which did not. Our pencil production averaged 2,500 to 3,000 gross per week. A gross is 144. The next item is "skeletons. " Skeleton is a card board with a little place in it where six pencils go on one side and six on the other and the wrapper goes around it. The assortment boxes don't take skeletons, the cheaper pencils do. He had to know the details of the production of pencils to determine how many skeletons were used, just like he did the wrappers. The next item that required figures is "lead deliveries. " We had two other places where we get materials from, slat mills at Oakland City and lead mills at Bell and Decatur Streets. Mr. Frank kept the pay roll for Bell Street, and the lead deliveries for Bell Street. He had to get up for the next item the slats that

were cheap and good. Then he had to calculate all this stuff on down.

Next on this big sheet we have the number of every pencil manufactured.

We only use the numbers that are packed that week. When he gets

through he adds the total of the productions for that week of that department and he comes over here and puts it down and multiplies it by the price, the selling price, and besides these items we have pencils that are bad. For instance, we have some of these jobs, if they have plugs in

them that are bad, he has to figure the number of plugs and the number

of tips that were in his job and put in all his jobs and come over there and

put down what his jobs amount to. That requires quite a good deal of calculating. The handwriting on the financial of April 26th is in Mr.

Frank's usual and average handwriting. I have been over carefully the calculations in it and it represents accurately the operations of the factory for that week. We did not do any of the work on that sheet on Friday. I think it would take about three hours to go through the calculations and complete that sheet. That was our average time. There is no difference in the handwriting of Mr. Frank in the financial sheet of April

26th, from that of the week previous. It is just the same. The financial sheets are all kept in this book here (Defendant's Exhibit "9. ") The one ending May 30, 1912, is in Mr. Frank's handwriting. It was made on the Saturday following that date. None of these financial reports could be made in less time than two hours and a half. All these financial sheets

beginning with May 30, 1912, down to date are all in Mr. Frank's handwriting. They were all done on Saturday afternoons. From May 30, 1912, up to date, Mr. Frank did not miss making a single financial sheet on Saturday afternoon. These are the original financial sheets (Defendant's Exhibit "9. ") They are kept in our safe at the factory. This little cash book (Defendant's Exhibit "10") shows the petty cash checks

we receive and what we spend it for, little items like kerosene, things like

that. The week of April 26th, we used \$56.53 of the \$96.48 we had, leaving \$40.00 on hand. The next week we had left on hand \$34.54. That is

what is marked to balance, but that does not always mean that we have that much money on hand. It means that we have accounted for it. We may have lent it out, in advances to men. We put tickets in the cash drawer when we do that and we count it as actual cash. On that Saturday, we couldn't have over \$30 or \$35 in the drawer. Yes, I acquainted Joel Hunter, the accountant, with all the data that goes in the financial sheet and explained it to him in detail, and also Mr. Bidwell. I gave them

all the data necessary to make up the sheet. The sheet here headed "Comparison 1912-1913" (Defendant's Exhibit "11" is made up by Mr. Frank to show the difference between one week of this year and the same week of last year and in making that up he has to take the financial sheet that he made this year and turn to the financial sheet that he made last year for the same week and compare them. This is the comparison sheet he made on Saturday. It is dated April 24, 1913. (Defendant's Exhibit "11. ") The requisition and house order book (Defendant's Exhibit

"12") also show Mr. Frank's handwriting on April 26th. Also the last two lines of these pencil sheets (Defendant's Exhibit "7") are in Mr. Frank's handwriting. I made up the pencil sheets through Wednesday, but he had to make it up after Thursday. He had to put in all the items from the packing room for Thursday, enter them under the numbers on these other sheets and then add every item for the whole week. Mr. Frank had to fill in April 24th on all three papers and then get in all those totals in on that. All of the last two lines are in his handwriting. He added up all this report for Thursday. He went through the report to figure them up, that was usually my work. It would take him about fifteen, twenty or twenty-five minutes. The house order book shows what way an order is received, the firm it is received from, where their place of business and what date it is shipped. As to what work is in this house order book (Defendant's Exhibit 12) that Mr. Frank did on Saturday, there is work in there in Mr. Frank's handwriting that wasn't in there when I left the night of April 25th. Beginning with item 7187 on page 56, "Received from F. W. Woolworth, store 57, St. Joseph, Mo. , came in on the 16th, 17th, to be shipped at once. " That is in Mr. Frank's handwriting, he entered that order. He would have to have that order before him before he could enter in that book. The next item he entered was "House order 7188, F. W. Woolworth, Store 68, Terre Haute, Ind. " That was to be filled at once. He would send an acknowledgment card for every order we received. If the order wasn't understood, he would

write. The next item he entered was "House order 7189, Woolworth Store 53, Logansport, Ind., to be shipped at once, received on 4-26-13. " He figured that order out and entered it. The next order is "House order 7190, store 585, DeKalb, Ill., received 4-26-13, ship at once. " The next order is "House order 7191, store 25, Wilkesbarre, Pa., received 4-26-13, ship at once. " Next order "House order, 7192, store 212, Saratoga Springs, N. Y., received 4-26-13 to be shipped at once. " The next order is 7193, send by mail to United Service Sioux 5 and 10 cent store, Sioux, Mich., received 4-26-13, to be shipped August 1st. " Next order is "House order 7194, Dubuque, Iowa, 4-26-13, at once. " Next is "House order 7195, Montag Brothers, Atlanta, Ga., received 4-26-13, to be shipped at once. " Next is "House order 7196, John Leellie, to John Magnus Company, Chicago, Ill., 4-26-13, at once. " Next is "House order 7197, R. E. Kendall Company, Cincinnati, Ohio, received 4-26-13, ship at once. " All of these eleven orders are in Mr. Frank's handwriting and he entered them that day. That is the regular book that we keep those orders in (Defendant's Exhibit "12. ") I have looked at the original orders and compared them with Mr. Frank's entry in the book and they are correct. I have here the original orders from which Mr. Frank made his entries, with the exception of one, which I can't find. They were in Mr. Dorsey's possession for some time. These are the eleven original orders (Defendant's Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.) After Frank entered the orders in the house order book, he transcribed them to these requisition sheets. In other words, in each order that he receives, he enters the order in the book, then makes out one of these requisition sheets and then makes the acknowledgment of the order to the party ordering the goods. All of these eleven requisition sheets (Defendant's Exhibits 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35), are in Mr. Frank's handwriting and are O. K. by me when I check it, which means that we ship the goods. All of the goods called for by these orders have

been shipped out by me after being O. K'd. with the exception of the order

of R. E. Kendall and Company, 7197, (Defendant's Exhibit "24"), which was cancelled by letter. None of these orders were at the pencil factory when I left there Friday night, and they were there when I got back on Monday. The work of looking over the orders and entering them in the order book and making out the requisition has nothing to do with making out the financial sheet. It is entirely independent of it. The financial sheet shows the factory's operations from Friday morning, through Thursday night. These orders go into the next week's business. I saw Mr. Frank on Sunday after the murder. There was no scratch, mark or bruise on him. Mr. Frank is a man of extreme temperament. If anything went wrong about the factory, he would go all to pieces and get nervous. It was not unusual for Mr. Frank to get nervous. When a young child was run over by a street car, he came back as pale as death, and I had to give him a dose of ammonia. He was no good for the rest of the day. I know Jim Conley's character for truth and veracity. It is bad. I would not believe him on oath. The paper that these notes found by the body was written on can be found all over the plant. They get swept to the basement in the trash. I heard the telephone

conversation between Mr. Frank and Mr. Ursenbach about the ball game. I heard Mr. Frank say, "Yes, Charles, I will go if I can. " Sitting at Mr. Frank's desk in the inner office you can see about half of the dial of clock Number 2. You cannot see the steps leading down to the first floor. If the safe door is open in the center office you can't see anything at all.

It would have to be a pretty tall man to see over it. It would be impossible for a girl of Monteen Stover's height to see over it. The safe

door is always wide open while we are in the factory. I went through the safe Monday, Tuesday and Wednesday. I didn't find any mesh bag or pocketbook. I was with Mr. Frank constantly while he was at the factory on the Tuesday morning after the murder. He did not speak to the negro Conley that day. Monday we tried to open up the factory, but everybody was so excited that we couldn't do any work. The girls were standing around crying. We had to suspend. As I went out of shipping room that morning, I saw Conley standing in the back of room. I said, "What are you doing here?" He says: "I am scared to go out, I would give a million dollars if I was a white man. " It is very dark on the ground floor around the elevator. I have never known the doors to Mr. Frank's inner or outer office to be locked. Even if they were you can see right through them, part of the door being glass. Anybody could look through them and see what is going on in the office. The door to the elevator can be easily lifted by anyone and anyone can be pushed down the elevator shaft. The motor to the elevator is on the office floor, and the wheels are on the top floor. When you start up, there is a noise. You can always hear the jerk when the rope is pulled, and when it stops there is a noise and when it hits the basement floor, there is a thud. The motor also makes a distinct humming noise. The motor box is not kept locked. I have gotten after Jim Conley many times about not registering. We have docked him for not doing it. I have noticed blood spots on the floors of the factory. Whenever one gets his finger hurt, he has to come to the office to get it tied up. People have gotten hurt in the metal room, and in coming to the office would walk by the ladies' closet, through those doors. The spots that Barrett pointed out in the regular path where a man would come to the office if he were injured. There were four or five strands of hair that Barrett discovered. I saw them. Could not possibly

tell what color it was. The metal room floor has not been washed since I have been there.

CROSS EXAMINATION.

I knew on Monday that Mrs. White claimed she saw a negro there. Frank telephoned me three or four times on Monday to get the Pinkerton's. He was at home. I was at the factory. When the detectives got to the factory Frank was at the station house. He was there nearly all morning. He phoned me at first about twelve o'clock, and then again about twelve-thirty. He wanted me to see if we could not in justice to all the employees try to sift this thing down, and he suggested getting the Pinkertons. He phoned again near one o'clock. Mr. Frank spoke about his nervousness. He didn't talk a great deal about it. He may have spoken to me once or twice about it. I think one time he explained to me how terrible the girl looked and the other time that they rushed him to the undertaker's in a dark room and threw on the light. He said he was awfully shaken up. As to what Mr. Frank said when they telephoned him about the murder, he asked what was the matter, had there been a fire at the factory. Another reason he was nervous he said, he hadn't had any breakfast, he wanted a cup of coffee. We had been without a stenographer quite a while. The work had accumulated to some extent. As to what work there was in the factory for Mr. Frank to do Saturday except the financial sheet, he entered the orders, made requisitions. I do not know that Miss Hall entered all those orders. I know she took dictation. That is all I know about it. The first time I saw those orders entered on the order book was on Monday or Tuesday. It takes about an

hour or an hour and a quarter to enter those orders on the book. It is true that I testified before the coroner that it wouldn't take over half an

hour to enter the orders. It takes an hour and a half to do all of the work

of transcribing them that you pointed out to me. Acknowledgments are usually made by the person who transcribes the orders and enters them on the requisition. If Mr. Frank didn't make acknowledgments, that would not make a difference of over five or ten minutes in time. I said it

would take an hour and a half to do all of the work lying on the table, requisition and all, transcribe them and acknowledge them. As to what that work was, beginning with order 7187 on the 26th, there are eleven orders, going down through 7197. None of that was done on Friday, because the orders weren't there when I left Friday night. I left Friday night at half past six. I didn't go to the factory on Saturday morning.

I have never timed Mr. Frank entering those orders. I said I guessed it would take him thirty minutes to actually enter them. After entering them he must transcribe and acknowledge them. The initials "H. H. "

on these orders (Defendant's Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,

24), means Miss Hattie Hall, the stenographer. "H. G. S. " on these requisitions (Defendant's Exhibits 25 to 35, inclusive), are my initials, mean that I checked the order and O. K. 'd it and it's gone. Miss Hattie Hall wrote the letters acknowledging the orders. I know that because the latter has the letters "H. H. " dictated by. " We haven't any regular

way of acknowledging. Some orders are acknowledged before they are ever touched. There is no certain first step. It is not necessary that

they should be entered in the book first. One step doesn't hinge on the

other. If Hattie Hall had anything to do with writing these things, it was done Saturday morning. The orders must also be transcribed from the order to requisition sheet. The average sheet was the only sheet that had not been worked on Friday that I found had been worked on when I got back there. It had not been touched on Friday, and I had not given any data for it when I left. The data I had to get up for it was the flat production, the packing room production, the tips, I get that from this packing room report (Defendant's Exhibit 4-A). The handwriting is that of Miss Eula May Flowers, the forelady. When I received that report, I had to accumulate all the data, penciled it, and transferred it to the pencil sheets here (Defendant's Exhibit 7). These three sheets are the only thing connected with the packing room for the week of April 24th. I wrote the figures Wednesday night and Mr. Frank did it Thursday. Mr. Frank had to add two lines to the sheet. He could get those from Miss Flowers' report just as well as I could. The figures on the bottom of the page are his. All the writing on this sheet is mine except the last two lines at the bottom, which are his (Defendant's Exhibit 7).

On that sheet, yes, there are just eleven figures, but you got three sheets to get it from, one line on all three sheets and the total, making six lines altogether. It is not easy to say how long that would take. It is merely looking at those things and putting them down, you have got to go over it, and get the different classes of goods that we pack and take it and put it under the head of specialty, that is the head of the classes of goods

manufactured that week. You must have the slat record. I haven't got the slat record here. It certainly is different from this. It comes from the cedar mill. The item on the financial sheet (Defendant's Exhibit 2) that he got from the slat record is the item under "Material Cost"-- "Slats 27191 gross at 22c. " That is all he would have to get on the financial sheet with reference to slats. That wouldn't take any more

time than taking these daily reports and putting them on here. He also had to get the lead deliveries from the lead plant and the tip deliveries from the tip plant. Our numbers run on the sheet like this, 10 X, 20 X, etc.

Our two 10X pencils, for instance, manufactured for the Cadillac Motor Company, if they want a pencil with their name on it and ours not on it, we call it the 10X special, of 5 10 X Cadillac special. We have got to go down through each number that has been sold and get the make of each style of pencil and they have to go in the right square, covering the right

shape and the right number of gross. If he didn't he wouldn't balance with his packing reports and the whole sheet would be incorrect. These papers here and the tip plant and the slat record and the lead record and the packing are all the papers I know were not worked on Friday night and which I found at the factory when I got there Monday. Frank needs those four reports to make up his financial. Doing that work and entering those eleven orders is all that I know Frank had to do on April 26th. I didn't see them done. I say I found them done the next week. It was certainly done between Friday night and Monday morning. I didn't see the financial sheet on Monday. The slat record comes from slat mills and tip record from the tip plant. I compiled the data at our plant. If Frank had started to work at eight-thirty, I think he could have finished a greater part of this work by ten-thirty, if he had worked continuously.

It is true that he could have done all of the work in two hours and a half. I didn't hear him say that he could have done it in an hour and a half. The work that I have just been over and the entries in the book and the letters that he dictated to the stenographer is the sum total of all the

work that I have seen done on the books in the office on April 26th. Mr. Frank and I were not paid off on the 25th, or 26th. In addition to the

work I have gone over, Mr. Frank had to balance the cash. This is his writing in the cash book (Defendant's Exhibit 40) and all those figures were made that day. It doesn't mean that 15c worth of kerosene was purchased that day, because the entry is not dated that day, it means that the figures were put on there that day, for the reason that the week is not closed until that is added to the cash. The date this kerosene was purchased, April 21st, is found in the little receipt book (Defendant's Exhibit 10). It was purchased on the 21st, as shown in the receipt book, but was not entered in the cash book until the 26th. We don't put our items in the cash book the minute they are purchased. We put the total of each item under sub-heads. If we pay drayage \$2.00 on Tuesday, \$2. 00 on Thursday and \$2.00 on Saturday, there would not be three entries in the cash book, but they would be under one head "Drayage, \$6 00," and everything else the same way. When we advance a man money it is put down on a slip and entered in an envelope, called "Loan. " We don't take a receipt for it. I can show that Frank gave \$2.00 to Arthur White and it was deducted. I made the entry in the time book the next week and deducted it the following Saturday. We don't enter it on the cash book. This average sheet (Defendant's Exhibit 5) is all in Mr. Frank's handwriting. It begins from January 10, 1911. As a rule Mr. Frank put on the financial sheet the average to show the General Manager how the average of our orders have run. I don't see it on the financial for that week. It is no rule. I said he usually does it. It doesn't affect the financial

sheet, however, if it is not on there. It doesn't keep the financial

sheet from being completed. I say he did work on the average sheet on Saturday because those orders came in that day. I know they could not have been entered the Thursday before and they were entered in fact Saturday because I had gone over the orders and find that they average the same thing that he has got on the average sheet. None of these orders came in the factory before Saturday morning, because they were not there Friday

night when I left. I am sure of that. I have never known Mr. Frank to leave there on a Saturday with the financial sheet not ready. He would not go to a ball game unless he had his work up. I heard him say on Friday afternoon that he was going to try to go to the ball game.

We left there Friday night together. He didn't go back that night. I said at the coroner's inquest that if the data had been gotten up for him it would take him an hour and a half to two hours. I don't remember saying that it would take only two hours and a half for both the data and the financial sheet. I meant two hours and a half without the data. I say it would have taken from two and a half hours to three hours to have gotten it all up. I am not an expert accountant, and I base my opinion on the reason that I have gone back at the same time and have sat down with him while he was working and seen him when he was finished. He couldn't hurry over the work, and get it correct. I think he could get it up quicker than I could. I am positive that I said at the Coroner's inquest

that he could get it up a half an hour quicker than I. I may have said so, that was only an estimate. I have never made up financial sheet. My estimate of the time referred to Frank doing it. I couldn't tell how long it would take to balance that cash. I said at the Coroner's inquest between an hour and an hour and a half. It all depends on whether you balance or not. We keep our little change in nickles, dimes, quarters and halves, and you have to take the money out of the sack,

stack it up and count it. As to how I remember where I was last Thanksgiving Day, because I was going to Athens to see the Georgia Foot Ball Game. I remember it snowed and I didn't go. I told Conley and the

office boy to come back and be at the factory The second reason I remember is because of the B'nai B'rith affair which Mr. Frank went to and I helped him carry his packages to the car. As to my remembering every Saturday that I have been there for six months previous, I have never lost a day from the factory since I have been there with the exception of my vacation. I was with Mr. Frank until half past twelve on Thanksgiving Day, when I left him at the corner of Mitchell and Alabama, where he caught a Washington Street car. I don't know what he did that afternoon. I do

know that I remained at the factory every Saturday afternoon since I have been there because I have not lost a day. I paid off Friday, April 25th. I remember Helen Ferguson coming to the window and I paid her. I can tell you the names of many more that I paid off that afternoon. (Witness gives names of eight or ten more he claims to have paid off). Mr. Frank and Mr. Holloway were there at the time. It is very dark underneath the chute near the Clarke Woodenware Company place, and we kept shellac in front of the door there. It is the door to the left. We did not have boxes piled around there after this murder occurred. If a body had been shot down there, it would have been 20 or 25 feet from that door. We go down there every day or so to get shellac; you don't have to pass by the opening under this chute. I never mentioned any indication that anybody had walked around the chute. I saw the place in the metal department on the second floor where they said there was blood. It looked like a small spot covered with

white. It looked like blood from a finger being cut. It looked like haskoline

had been splashed all over the metal department. There was nothing different about that particular spot from any others, except that it was red. It looked like it had been swept over. As to those steps by the chute I don't know that they were nailed up immediately after the murder. Three days after I came up those steps. I don't remember whether it was before or after the insurance people made us clean up. I know I was at the factory on Saturdays and holidays after twelve o'clock. I change the clock at times if I find that it is not right. We don't run it five minutes ahead of time. Every time I look at it it* (stated twice) is on time. We do not have to regulate it often. We regulate it by the whistle in back of us every day at twelve o'clock. We don't set it every time we hear the whistle though. We have had unreliable people at the factory. We give them a trial. I knew that Conley was unreliable a good while ago. Found it

out the first time I ever spoke to him. When we found that we couldn't trust him we took him off of the elevator. Mr. Darley and I did it. We didn't take it up with Frank. Girls in the factory have told me about his worthlessness. Miss Carson and others have told me he tried to borrow money and slip off. She complained to me several times about it, that he was trifling and didn't clean up her department, that he didn't move the

pencils, that he sprinkled on top of the pencils, that he tried to borrow money. The negroes would come to me and told me that he wouldn't pay his debts and slip off. I don't know whether I ever took these complaints to Mr. Frank or not. I was not under Mr. Frank. I had authority to fire him, but I didn't do it, because in a factory like that it is hard to get a

negro who knows something about it. He was in the ching*(chain)-gang two or three times, once he worked on Forsyth Street in front of the building, and then women would come up to me and try to get money to get him out, two or three times. That has happened since he has been working

at the factory. I know that he has been in the ching *(chain)-gang once, when I saw him working in front of the factory. The times was when women came up there and tried to get money to get him out. I have seen these books scattered all over the factory, whole books and parts of books. I have seen them since this murder. Both before and after. I have seen

sheets sometimes. I knew that Jim could write. I have given him and the other negroes tablets like this (State's Exhibit H). They are kept everywhere in the factory. They would go down in the basement and write. I did not talk to Frank on Monday or Tuesday about Jim Conley's peculiar conduct after the murder. I talked to Darley.

RE-DIRECT EXAMINATION.

When I stated that it took two and a half hours to three hours to make up the financial sheet, I meant without any interruptions. We have quite a few interruptions on Saturdays, salesmen drop in, draymen and people come in, for their envelopes after we have paid off. When I said to Mr. Dorsey that he might do the work from 8:30 to 10:30, I had reference purely to the financial sheet. Making the entries in the house orderbook, requisitions and dictating the correspondence, I did not include.

The correspondence and the entries in the requisition book is usually done in the morning. We usually go to Montag Brothers about eight-thirty, get the mail, come right back, acknowledge the orders and answer the correspondence. I have never known Mr. Frank to take up the financial sheet before the afternoon. After he finished his financial, Mr. Frank would

usually make two copies of the result of it, and send one of them to his uncle, who is a stockholder and the other to Mr. Pappenheimer, who is the president. My estimate of the time was two and a half hours for the financial sheet, and one and a half hours for the other work. Mr. Dorsey's

picture (State's Exhibit A) shows nothing in the Clarke Woodenware Company except the front of it. It has left out every scuttle hole, and toilet and everything there. It fails to show the door that enters into

the partition to the basement. Hasn't got either one of these two front doors. Mr. Frank's wife frequently did some shorthand work for him on Saturday afternoons. I have seen her there often when we were behind in our work. The haskoline did not hide the red spots at all. You couldn't tell whether it was on top or on bottom of the red. It is nothing

unusual for the white stuff to be spilled all over the metal room. I did not know that Conley was denying that he could write in the station house, for quite a while. The Pinkerton men came over to the factory to find out if he could. I looked all over and found a card where he had signed a signature for a jeweler for a watch]. The detectives found the information by coming to the factory. The negroes always ate in the basement. Conley was familiar with the basement. Mr. Dorsey subpoenaed me to his office, he subpoenaed some of the others. I think he

phoned to me. Empty sacks are usually moved a few hours after they are taken off the cotton.

RE-CROSS EXAMINATION.

I had no objection to coming to your (Mr. Dorsey's) office. I offered to assist you in any way I could. No, it was not Mr. Frank's custom to make an engagement Friday for Saturday evening and then go off and leave the financial sheet untouched. The pencil factory is three or four

blocks from Montag's. Some of them are short blocks. Guess it takes three to five minutes to go over there. I have never timed myself. The first time on Monday I observed the peculiar behavior of Conley was between half past seven or eight o'clock, he was sitting in dressing room on a box. It was after that I went with Detective Starnes to try to locate Gantt and arrest him. Frank never went to baseball games or matinees on Saturday. The only pictures that are hanging on the walls of Mr. Frank's office is a calendar that Truitt and Sons give away. No, I don't know whether the detectives found out elsewhere that Conley could write. I gave them the information when they came to the factory. It was on Monday morning that I saw the haskoline and the red spots. If the blinds had been closed it would have been some darker, not a big difference.

RE-DIRECT EXAMINATION.

I have never seen Mr. Frank talk to Mary Phagan.

HERBERT G. SCHIFF, recalled for cross examination.

The books show that \$4 was loaned to Arthur White. I made the entry in the book. The \$2. was for what Mr. Frank loaned him that day and \$2.00 loaned him the middle of next week. As to where the entry is that Mr. Frank lent Arthur White \$2. these slips are not kept after we take it off. After the pay roll is made we destroy those. The books show that this \$2. was added to the other \$2. There was approximately \$1100. paid off on Friday on the pay roll. There was about 5 or 6 envelopes left over, not called for. The numbers go on different places on the envelopes. The clocks we have now are the same we had when Gantt was there. Whenever there was any trouble we phoned for a man to look after the clock.

RE-CROSS EXAMINATION.

Whenever accidents would happen in the factory we would have the person come to the office, to the outer office, where we would bandage their hands with the few medical supplies we keep there. Then we make a report to the insurance company as to the cause of the accident and any witnesses. We always found the clocks kept good time.