

found by her side, it was urged before me by counsel for the defense that ladies usually carried their handkerchiefs in their mesh bags.

If the motive was assault, either by natural or perverted means, the physicians' evidence, who made the examination, does not disclose its accomplishment. Perversion by none of the suggested means could have occasioned the flood of blood. The doctors testified that excitement might have occasioned it under certain conditions. Under the evidence, which is not set forth in detail, there is every probability that the virtue of Mary Phagan was not lost on the 26th day of April. Her mesh bag was lost, and there can be no doubt of this. The evidence shows that Conley was as depraved and lecherous a Negro as ever lived in Georgia. He lay in wait and described the clothes and stockings of the women who went to the factory.

His story necessarily bears the construction that Frank had an engagement with Mary Phagan, which no evidence in the case would justify. If Frank had engaged Conley to watch for him, it could only have been for Mary Phagan, since he made no improper suggestion to any other female on that day, and it was undisputed that many did come up prior to 12:00 o'clock, and whom could Frank have been expecting except Mary Phagan under Conley's story. This view cannot be entertained, as an unjustifiable reflection on the young girl.

Why the Negro wrote the notes is a matter open to conjecture. He had been drinking heavily that morning, and it is possible that he undertook to describe the other Negro in the building so that it would avert suspicions.