

Amazing Testimony of Conley Marks Crucial Point of Trial; Says Frank Admitted Crime

The crucial point of the entire case of the state versus Leo M. Frank, charged with the murder of little Mary Phagan, an employe in the National Pencil factory...

people before or after you and Mr. Frank came back to the factory from where you met him at Forsyth and Nelson streets? asked the solicitor.

was so heavy I drapped her on the floor and when she fell that scared me and I called to Mr. Frank to come help me.

I didn't come back no more. "Could you have put the body in the furnace?" asked Mr. Dorsey.

forts of the white man to get him straightened out after he had misunderstood him and the negro, who was rather a kindly face and the soft voice of the southern darkey...

Conley on the Stand. After the usual questions to establish his identity the solicitor asked: "Do you know Leo M. Frank?"

"Well, I heard her feet walk in the room," said the negro witness. "Well, go on."

"I threw her down and took off the cloth she was wrapped in and her umbrella and hat fell to one side and I picked them up and started back towards the elevator and called out to Mr. Frank to ask him what I was to do with the umbrella and hat and he said drop them right there and I flung 'em to one side."

"What sort of work had you done around the factory, Jim?" "I worked on the elevator until last Christmas and then they took me off and put me to cleaning up the building."

Hosner Tells With Words. They took up again the subject of Jim's ability to read. "Can you read the papers, Jim?" Mr. Rosser finally asked.

"How long had you been working at the factory?" "About two years."

"Then I heard somebody go back towards the metal room on day tiptoes again, an' 'bout dat time I des dozed off an' I waked sometime later, I dunno how long 'twas, but it wuz Mr. Frank er stompin' on de floor above what waked me."

Jim Writes the Notes. "An he made me write some notes for him, he telling me what to write and when I had written four notes he slapped me on the back and said that was right, that was fine, and he took out a nice roll of greenbacks and handed them to me and I said, 'Mr. Frank, I'm going to take some of this money to pay for my watch, and he said I needn't worry about that watch, that we'd both have plenty of money, and wouldn't have to worry about nothing."

"Tell about other times you watched for Frank," said Dorsey. "Well, I watched for him lots of times and sometimes he'd let another man and woman come in and that man and woman would usually go down to the basement."

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Frank Trusted Negro. "Well, when Mr. Frank would have young ladies up dere to chat with them I'd always watch the door for him while dey wuz chattin'."

"How many times had you watched the door for Frank before that day?" "I can't remember 'zactly how many times, but it was lots of times I'd done it."

"Then he told me to take the notes and put them near the dead lady's body and said, 'What ever you do, Jim, you keep your mouth shut, and I promised him I would and went and put the notes by the body and then I came back and he said he wanted me to come back there in about 40 minutes, but I could go out for a while.'" "Well, what did you do then?" asked Mr. Dorsey.

"I went to a near-beer saloon and bought a 'double-header' and some sandwiches and cooled around in the place for a while and then I looked at a clock and it was twenty minutes to two and I came out with a nigger and he made me lend him a dime."

At this juncture Attorneys Rosser and Reuben Arnold, for Frank, halted proceedings while they went into an ante-room for a conference. In the interim the solicitor had a bailiff bring the negro witness a glass of water, which he drank with every evidence of being thirsty.

"What time did you meet him there?" "I dunno 'zactly."

"Well, I members watchin' de door on last Thanksgiving day for him; dere was a big, handsome lady up dere then and another man and another lady, too. They all stayed up in the factory while I watched de door."

"After a while I decided I would go out home and give the old lady some money to pay the rent with before I went back to the factory and I got there and found no dinner ready for me and I give a nigger chile a quarter and says, 'here, you kid, you run up to dat store and buy me some sandwiches, and when I got dem I ate 'em and went to sleep and when I woke up it was about 6 o'clock.'" "Did you see Frank again that day?" asked Mr. Dorsey.

"How old are you, Jim?" asked the solicitor. "I'm 27, sir."

Crown-Examination Begun. Then at the solicitor's request he told of several other people and firms for which he had worked previous to getting a job at the pencil factory.

"Well, sir, we stopped in at Curtis' drug store, least Mr. Frank went 'n there a moment and I waited for him, an' then we went on down the street, me er followin' Mr. Frank and onet he looked back to say something to me an' he run into a little baby on the sidewalk and I 'members that 'cause the man what was with the baby loiked at me like he thought I done it, but the white man didn't say nothing and Mr. Frank and I went on to the factory and he told me to go sit on a box near a trash pile on the first floor and I did that."

At the solicitor's order Conley then pointed out to the jury on the cross-section diagram of the building the spot where he had found the body.

"I was arrested on May 1." "Look at these tablets and notes and see if the notes are the ones you wrote at Mr. Frank's dictation," said the solicitor.

Mr. Rosser got up naturally and faced the darkey. He wore a pleasant and agreeable expression.

Conley beams on Rosser. Jim seemed to appreciate the ef-

**AMAZING TESTIMONY
OF CONLEY MARKS TRIAL**

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which Jim proved that he could spell.

Spells "Cat" With a "K."

"Can you spell 'cat,' Jim?"

"Yes, sir, I can spell dat word, sho'," Jim replied.

"You spell it with a 'K,' don't you," said the lawyer encouragingly.

"Yes, sir, with a 'K,'" Jim replied, and forthwith spelled it with a "K."

"Why sure you do," said Mr. Rosser. "Jim, you and I understand each other thoroughly, don't we?"

Jim face's showed that he could not see what in the world a great big white man with the knowledge of Luther Rosser could want to take up the time in court to go into a spelling bee with him for, but he replied with his face beaming. "Yes, sir, we sho' does, sir."

Then followed more words for Jim to spell. The white man and the darkey had reached a perfect understanding, such as a white man and a negro have when they are raised together on the same big plantation.

What he could spell, Jim spelled, and what he could not he simply acknowledged he could not. Jim spelled "papa," but he could not spell "mother," and Mr. Rosser took his word for a number of other words he asked him about, and only when Jim desired to prove beyond doubt did he even have to spell the word out.

Then Jim's education in mathematics was taken up and gone over in the same detailed and kindly way. Jim did not know what was meant by the word "figuring," but he did know what counting meant, and showed proudly that he could count just as far as Mr. Rosser would let him go, and he could add, too. Jim proudly added small sums, and all the time his face beamed and pride showed. The man who was exhibiting his knowledge for him took pains, as Jim knew, not to give him much that was hard, and Jim was making a splendid impression with his knowledge.

Then the lawyer started out on his real work, but so deftly that no one realized it at the time.

"Jim," he began, "who did you work for first, and how long did you work there?"

"I worked for Mr. Trull, of Ward & Trull, for about a year," said Jim. "How long did you work for the next man?"

"About five years," replied Jim.

The general interrogation had just led up naturally from Jim's school days to his life as a working man, and the same tones were used and the same perfect understanding prevailed.

"You say you went to school only about a year in all?"

"Yes, sir."

Gives Job by Schiff.

"Well, Jim, who gave you the job at the pencil factory?"

"Mr. Schiff," replied Jim.

"Did Mr. Frank ever pay you off?"

"Yes, sir, sometimes."

"Tell me about how many times he paid you off."

"Well, I don't know 'actly; sometimes I let the other fellows draw my money."

"You," said the lawyer, "you'd sometimes get into debt and let other fellows draw your money so you could escape the men you owed?"

"No, sir, I didn't want to get out of paying; I'd let the men I owed draw my money because I wanted them to have it."

"What was your pay a week?"

"\$1.05," replied Jim.

Jim then said he did not want to tell at first what he got, as it was so small he was ashamed of it, and was afraid that other niggers would hear about it.

Mr. Dorsey protested at this juncture that all this was entirely immaterial, but Mr. Rosser declared to the court that it was, that he wanted to show certain facts about the negro and that he would show it later. Judge Roan sustained him.

Attorney Rosser then drew out of Jim the statement that when he owed a negro boy something like 15 cents he would take the boy into a near beer saloon and buy him three glasses of beer and settle the debt that way.

Never Saw Nightwatchman.

"Jim," said Mr. Rosser then, "what time did the nightwatchman come to work on Saturdays?"

"I don't know, sir."

"Have you ever seen the night-watchman?"

"No, sir."

"Did you ever see the white watchman in the day?"

"Yes, sir."

"Ever see the colored watchman at all?"

"Yes, I've seen the negro they said was the watchman."

"Did you know old man Newt Lee?"

"No, sir."

"What time did they pay off on Saturday?"

"About 12 o'clock."

Admits Watching Frank.

"You say you have watched for Mr. Frank?"

"Yes, sir."

Mr. Rosser was getting into his real line of questions now, but still there was no apparent change in his attitude toward the witness.

"When was the first time you ever did that?"

"Sometime last July."

"What did Mr. Frank say at that time?"

"He just come out and called me into his office and said what he wanted me to do."

"How did they pay you?"

"Eleven cents an hour."

"Was it your duty to punch the clock?"

"Yes, but sometimes I didn't."

"If it wasn't punched every time how could they know how to pay you?"

"If it wasn't punched every time Mr. Holloway would see me and set things straight so I could get my money."

"The first time Frank talked with you was a lady with him?"

"Yes, Miss Daisy Hopkins."

"What did he say?"

"He said, 'Jim, see that lady there?' and when I said I did, he said, 'Go on down and watch the door.'"

"Was Miss Hopkins present?"

"Yes, sir, she was there."

"Who else was there?"

"A man named Mr. Dawson."

"How long did this lady and man stay in Mr. Frank's office?"

"'Bout fifteen minutes," replied Jim.

"How long before Mr. Frank came down?"

Couple In Basement.

"It was about an hour before he came down, but the girl and man had come on down, and on his instructions I had opened the trap door and let the girl and man into the basement."

"What time was it when they came up?"

"It was after a while."

"What did they do when they came up?"

"The lady went on upstairs and a little while later Mr. Frank and her come down."

"What happened next Saturday, two weeks later, Jim?"

"Well, I was in the rear of the fourth floor and Mr. Frank came to me and said, 'remember what you did last Saturday, Jim,' and I said I did and he said he wanted to put me wise to this Saturday. Miss Daisy Hopkins went into his office and Mr. Frank signalled with his fingers and I went down and locked the front door and watched for them."

"What next?"

"I stood on the steps and heard them go into Mr. Frank's office."

"How long did you stay?"

Given Money by Frank.

"I stayed about half an hour, then the lady come on down and went out, and Mr. Frank gave me a half dollar."

"About the next time?" urged the lawyer. He was apparently helping Jim Conley to tell all the damaging evidence he knew on the man whom he accuses of the horrible crime.

"Well, I can't remember the exact time; it must have been about the middle of August."

"What time of day?"

"Well, it was about the time Mr. Frank came back from dinner. I was standing near the door and he came up and said he wanted to put me wise again for that day."

"What did he mean when he said, 'Put you wise?'"

"Well, he had said that on the other times he wanted me to watch for him," replied the negro.

Women Waited for Frank.

Conley then told of a woman waiting on the fourth floor who had gone up to Frank's office. Asked what sort of hair she had, he said it looked like Mr. Harper's. Mr. Harper referred to has gray hair and this statement caused a great deal of amusement.

He also told of a woman dressed in green who had visited Frank.

"Did you inquire who she was?" he was asked.

"No, sir, I did not."

"Did she speak to you?"

"No, she didn't know me."

"Did you run the elevator?"

"Yes, sir, sometimes."

"Didn't you then come in contact with everybody in the factory?"

"No, sir, I didn't have to go all over the floors."

"What did Mr. Frank tell you?"

"He said for me not to let Mr. Darley and Mr. Schiff know about it."

What Occurred Thanksgiving.

"The next time was Thanksgiving, wasn't it?"

"Yes, sir."

"What were his words then?"

"He said, 'How're you feeling,' and sent me to the first floor."

"What time was that?"

"About half-past eight."

"What time did the woman come?"

"About half an hour later."

"Did you know her?"

"No, she didn't work at the factory."

"Ever seen her before?"

"Yes, I think so. I think I saw her one night in Mr. Frank's office."

"Why were you there?"

"I had some boxes to pack."

"Where were you when she arrived on Thanksgiving day?"

"On the first floor."

"What did you do?"

Had Code of Signals.

"I closed the door when Mr. Frank stamped on the floor."

"How long did you stand by the door?"

"I didn't stand by the door; I went and sat on a box for an hour or more."

"When Frank stamped what did you do?"

"I kicked the elevator, so he would know I heard him and everything was all right."

"Did Frank come down then?"

"Yes, he came down and unlocked the door and went out and looked around, and then came back and went to the stairway and called for her to come down. She came on down and saw me and asked if I was the nigger he'd talked of and he said yes, and he says, 'That's the best nigger in the world,' and she asked if I talked much, and Mr. Frank said I didn't talk at all."

"When was the next time?"

"Way after Christmas, some time in

January."

"How do you know?"

"Well, it was after New Year's."

"What did he say?"

Five Girls and a Man.

"I can't remember, but one thing he said, and that was that a young man and two ladies was coming, and that I could make a piece of money off them."

"What time was that?"

"About half past seven."

"Did anybody hear you?"

"Gordon Bailey did."

"What did you do?"

"I went and stood by the door; it was open."

"Did they come right in?"

"No, sir, the gentleman, he came on in and the ladies stood back, and then when he had talked to me he went back to them and they came on in with him."

"How long did you stay that time?"

"It seemed like two hours," replied the witness.

"Did you know either of the women?"

"No, sir."

"Describe how they looked."

"I disremembers how they looked," said Conley.

"How about the man?"

"He was tall and slender."

"Ever see him again?"

"I saw him talking to Mr. Holloway several times."

"You say you don't know him?"

"No, sir, I don't know him."

"Had you ever seen the girls before?"

"No, sir."

At this point Judge Roan ordered an adjournment for lunch.