

# CONLEY GRILLED FIVE HOURS BY LUTHER ROSSER

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## REMARKABLE STORY IS TOLD BY NEGRO IN ACCUSING FRANK OF PHAGAN MURDER

Chief Witness for State Admits, Under Cross-Examination, That He Has Been Under Arrest Seven or Eight Times, and That Many Statements Made in His Three Affidavits Are False. Hangs His Head and "Fools With His Fingers" When He Lies, He Says.

### *LOOPS MURDER NOOSE AROUND HIS OWN NECK TO ILLUSTRATE STORY*

By Order of Judge the Court Is Cleared of Women and Children at Afternoon Session Owing to Revolting Testimony Given by Conley—Dr. Roy Harris, It Is Understood, Will Be Closing. Witness Summoned by the Prosecution.

The long-looked-for sensation in the Leo M. Frank trial came Monday morning when Jim Conley, the negro sweeper formerly employed at the National Pencil factory, took the stand and told a revolting as well as dramatic story of what he claims to know of the murder of little Mary Phagan.

Following the telling of this story, parts of which can only be hinted at, Conley was placed under cross-examination by Luther Rosser. For five hours and a half the able attorney for the defense wheedled and coaxed and cajoled and used every tactic known to the legal profession to break down the fabric of the story and to tear the tale to tatters.

He succeeded in confusing the negro as to minor details only. He failed to shake the foundation of the main story—which was that, on Saturday, April 25, Leo M. Frank had asked him to "look out" for him while he "chatted" with a young woman; that later Frank had called to him and told him the girl had "refused him" and that he had struck her. He then described seeing the body of the girl lying on the floor near her machine with a cord and a piece of cloth around her neck. She was dead.

#### **Asked Him to Help.**

He reacted that Frank had asked him to help him dispose of the body and that he had taken it to the basement. He told of Frank's plan to have him burn the body. He told of writing the notes which were given to Frank and which were later found near the body.

These things he told in a fashion so rapid it was difficult for the stenographers to follow him. During the

recall he was as calm and composed as it was possible for a human being to be.

When the cord, which was found around the little girl's throat, was handed him he placed it around his own neck to illustrate how it was tied, and as he did so his hands were as steady as if he was tying a scarf.

The story was one of the most remarkable that has ever been recited in the state of Georgia. On it the case of the state will stand or fall.

Explaining how he happened to be at the factory on Saturday he said he had been asked to "look out" for Frank while he was engaged with a young girl. This was no uncommon thing for him to do, he said.

### Watched Out Before.

On several occasions Frank had asked him to watch out for him to see that no one entered the building, he said; and he told of one occasion when he surprised Frank and a woman in a compromising attitude. According to this statement, the woman was seated in a chair and Frank was kneeling on the floor.

On one occasion he says Frank and another man were alone in the building with two women and he stood guard for them.

A significant feature was brought out by the state in regard to the writing of the notes, which have proved so baffling to the detectives. The state attempted to show that Frank knew Conley could write. This was objected to by the defense.

"Your honor," said Mr. Dorsey, "we expect to show that while the detectives were having Nowt Lee write and getting specimens of Frank's writing, Frank knew that Conley could write, but never once informed the authorities of the fact."

### Will Conley Stand Up?

Will Conley be able to stand up under the terrific cross-fire of questions which will be hurled at him today?

That is the question which occupied every mind when court adjourned at 5:30 o'clock Monday afternoon.

Only a prophet could answer this question. Upon it depends everything.

During the cross-examination Conley admitted having been in jail seven or eight times—he could not tell how often.

Conley's statement on the stand Monday differed in many essentials from the three affidavits he had made. He admitted quite frankly that he had lied in some of the statements made in them, but he said

that all three contained elements of truth.

This morning at 9 o'clock Conley will once more be placed on the stand and it is safe to say he will be on the stand when court adjourns, unless the unforeseen takes place and he wilts and collapses under the white heat of the fire through which he must pass.

### Dorsey Is Pleased.

When court adjourned Monday, Solicitor Dorsey expressed himself as pleased beyond expression with the way Conley had stood up.

While the defense had little to say, it was obvious that Monday's cross-examination was but the faintest forerunner of what is to come—the preliminary skirmishing to mix up the witness, to undermine him and to get him in condition for the big coup today.

### Room Cleared of Women.

After the noon recess, Judge Roan had the room cleared of women and children. There were fully 150 women and several small children in the room at the time and they displayed the keenest resentment that they were not permitted to remain. The testimony had been of such a revolting nature that Judge Roan deemed it no place for a woman to be.

Solicitor Dorsey at one stage of the afternoon proceedings showed evident displeasure at the attitude of Judge Roan and sharply snapped to a law book he was about to read from. Judge Roan had turned to listen to a question addressed to him by some one seated by his side.

The state will not close with Conley. Dr. Harris, whose illness prevented him from finishing his testimony last week, will take the stand as soon as he is well enough. It is understood that the state will endeavor to bring out much additional information as to the time of Mary Phagan's death.

### Conley Taken to Tower.

At the conclusion of Monday's proceedings Mr. Arnold asked that Conley be taken in charge by the sheriff and placed in the Tower, where no one could see him or talk to him. William Smith, his attorney, asked that he be allowed to send him food. Judge Roan ordered that this be done, and he was removed to the jail in Chief Beavers' automobile. Just as he was leaving the courtroom he asked a reporter for some cigarettes. He was not nervous and was apparently in good condition.