

"When did you get your hair cut, Jim?"  
"Last Saturday."  
"Where?"  
"Police station."  
"Who cut it?"  
"A barber."  
"Who was with him?"  
"My lawyer and a policeman."  
"Jim, didn't you say one day that you didn't want a lawyer, and the next day you had one?"  
"Yes, sir, Rena, my woman, brought me one."  
"You've been locked up ever since you had a lawyer, haven't you?"  
"Yes, sir."  
"You say, too, that you found out Frank wasn't going to do anything for you and then you began to talk?"  
"Yes, sir."  
"Didn't you know he was in jail?"  
"I didn't know whether he had got out or not."

**Didn't Read the Papers.**  
"On Monday after the murder, did you read any of the papers?"  
"No, it wouldn't have done me any good—I can't read."  
"Didn't you go to Miss Julia Fuss and ask her for a paper and say Frank was as innocent as the angels in heaven?"  
"No, sir."  
"Didn't you read a paper in the presence of Wade Campbell?"  
"No, sir."  
"Do you know Miss Georgia Denham?"  
"Yes, sir."  
"Didn't she accuse you of the killing, and didn't you drop your head and deny all about it?"  
"No, sir."

There were numerous lulls in the examination as Attorneys Rosser and Arnold would investigate the records of Conley's previous statements, apparently seeking material for new questions.  
"While you were watching for Frank that Saturday did you see two elderly men go up on the second floor?"  
"No, sir."

"Did you meet a man named Mincey and he said you had promised to take some insurance with him?"  
"No, sir; because I never saw any such man."

In rapid succession Mr. Rosser fired many questions pertaining to the alleged meeting of Mincey, to all of which he received the reply that Conley had never seen the insurance agent.

**Denies Mincey Affidavit.**  
"Didn't you tell him that you could not take any insurance—that you were in trouble?"  
"No, sir."

"Didn't you say that you had killed a girl and that you didn't want to kill any more people?"  
"No, sir."

"Didn't he say that one-a-day would be 365 a year?"  
"No, sir."

"Didn't you, on May 31, make a statement to a Constitution reporter that Dorsey had come to you and said it was all right for you to come through—that everything was all right?"

Solicitor Dorsey objected to this unless the name of the reporter was given.

Rosser asked again:  
"On May 31, didn't you talk with Harlow Branch, of The Journal, and H. W. Ross, of the same paper, and tell them that in your opinion that Mary Phagan was murdered in the toilet on the second floor and was later carried to the metal room and that the body was stiff when you reached her?"  
"No, sir; I don't remember telling it."  
"Didn't you tell them that it took thirty minutes to get the body downstairs and for you to get back to the second floor?"  
"No, sir."  
"Didn't you tell them that you remembered Lemmie Quinn's visit?"  
"No, sir."  
"Did you talk with them at all?"  
"Yes, sir, a little bit."

**Rosser Reads Affidavit.**

Mr. Rosser handed Attorney Arnold an affidavit of Conley's, which the latter started to read. The solicitor interposed an objection to change of counsel.

"Sit down, Hugh, sit down; I'll read it if I can. Don't know, though, whether or not I can. It's in a detective's handwriting."

The affidavit was read. It was one of those made by Conley at police headquarters, detailing parts of his history and actions on the day which preceded the murder. While reading the affidavit Rosser spoke sarcastically of some of the high-flown grammar interjected by detectives into the statement. Each remark caused a ripple of laughter throughout the audience.

As the jury left the room prior to adjournment, Attorney William M. Smith, counsel for Conley, arose, saying:

"I do not know by what legal procedure my client is held in the jail, as he is not held as a witness. I should have the right of counsel to talk and consult with him. I met with a good deal of trouble and unpleasantness last night in doing for him what I thought best."

**Smith Wins Point.**

"It is a reflection on the solicitor that he should be prevented from talking with a leading witness for the state. It is unheard of for a man to be put in solitary confinement without privilege of his attorney's audience."

The solicitor said:  
"I think that it is just and right that Conley should have the rights of attorney."

Reuben Arnold said:  
"Since the solicitor and Lawyer Smith are in such harmonious accord over this witness, I do not think that Smith should be allowed to talk with the witness."

Judge Roan ruled that the attorney should not be deprived of his client, and could talk with him whenever he saw fit. Conley will resume the stand when court meets today.

## Mincey Affidavit Is Denied

### SMITH ALLOWED ACCESS TO CLIENT

## By Conley During Afternoon

After Judge Roan had ruled out the Conley testimony relating to alleged previous actions of Frank, the jury was returned to the courtroom, and Attorney Rosser resumed his cross-examination of Conley.

"Jim, you took the body of that girl, you say, and wrapped her in a cloth, didn't you?"  
"Yes, sir."

"Was the cloth all around her?"  
"No, sir, it didn't go over her whole body."

"Did it cover her head?"  
"No, sir."

"Her feet?"  
"No, sir."

"How much of her body was projecting out of the cloth?"  
"I don't know, sir."

"You tied the cloth in a bundle around the body and put her on your shoulder, didn't you?"  
"Yes, sir."

"Didn't her head stick out and lean back?"  
"Yes, sir."

**Negro Answers Yes.**

The attorney arose and stood before the negro, illustrating the manner in which the negro carried the body, asking if he were not correct. The witness answered yes.

"You walked out with her that way, didn't you?"  
"Yes, sir."

"Didn't she get so heavy you couldn't carry her?"  
"Yes, sir, she fell."

"Didn't you say that it was because she was so heavy that she fell?"  
"I said that was what I told Mr. Frank."

"Was she so heavy, or what was the matter?"  
"She was kinder both ways."

A laugh spread over the courtroom at this unique expression. Conley laughed, and so did the accused man and his wife. His mother sat with mobile features.

"Now, tell us again why you let her drop."  
"Because she was heavy and I was scared."

"Where was her head?"  
"Toward the elevator."

"Her feet?"  
"I don't remember at that time."

"Then it was, you say, that you called Mr. Frank?"  
"Yes, sir."

"Where was he?"  
"At the head of the stairs."

"Outside of this story, is there anything else you can answer without saying: 'I don't know?'"

**Objection Is Sustained.**

An objection by the solicitor to this question was sustained.

"You said, didn't you, that you called to Mr. Frank that the girl was dead?"  
"I hollered to him."

"I thought you said you went up to him?"  
"No, sir, I yelled."

"What did Frank do when you yelled?"  
"He waved his hand and said 'Shh.'"

"Then, when you heard him say 'Shh,' you walked up to him, did you?"  
"Yes, sir."

"What did you tell him?"  
"I told him she was too heavy for me to tote."

"What did he say?"  
"He said, 'Well, bring her on up here,' and I said, 'How'm I goin' to bring her when she's too heavy,' and he said 'Go back in the metal room and get some cotton bagging.'"

"How close were you to him?"  
"I was walking toward him."

"Then you went to the metal room and got some black and white striped bagging?"  
"I didn't say anything about white striped bagging—it didn't have any white stripes."

"What color was it?"  
"I can't exactly 'scribe the color."

"Was it the color of your shirt?"  
**His Shirt Was Blue.**

"No, sir; my shirt's blue."  
"Who gave you that shirt?"  
"My old lady brought it to me."

"What did you do with the cloth when you got through with it?"  
"Put it on the trash pile in the basement where I put the hat and slipper and ribbon."

"How much did the girl weigh?"  
"I don't know, sir."

"You can carry 110 pounds, and, surely she didn't weigh more than that—can't you, without any trouble?"  
"I can carry it, maybe, but I don't know about the trouble."

"You say Mr. Frank packed her up on you; what do you mean by that?"  
"Mr. Frank caught her by the head and shoved her up on my back. We was both nervous."

"How were you nervous and excited?"  
"I didn't say I was excited—I said I was nervous."

"When you got down into the basement, you took the body out by the cloth, didn't you?"  
"No, sir."

"How did you say you left her on the second floor; repeat that, will you?"  
"Her head was toward Alabama street, her face towards Forsyth, and her feet towards Hunter street."

**Front Door Was Locked.**

"While you were going down in the elevator, the doors were open, weren't they?"  
"I think the front door was locked."

"Did the girl have any scratches on her face?"  
"Yes, sir; a few. It was dirty, too."

"What did you have in your hand when Frank told you to throw the things on the trash pile in the basement?"  
"The cloth and the hat and the ribbon."

"Who ran the elevator as you went up?"  
"I did, because Mr. Frank said he would meet me on the first floor when he went up the scuttle hole."

"When you got to the first floor, what did he say?"  
"He said: 'Gee, but that was a hard job! And I said that his job wasn't half as hard as mine.'"

"Is the elevator noiseless?"  
"No, sir, it makes some noise."

"Now, Jim, how long did it take for you and Mr. Frank to do the entire job?"  
"I don't know, exactly, about four or five minutes."

"Didn't you say yesterday that you never left the factory until 1:30 o'clock?"  
"Yes, sir, I said I went to a beer saloon at Hunter and Forsyth streets, and looked at the clock and it was 2:20. I wasn't so sure of the time, yesterday."

"While you were in the office, you heard somebody coming, didn't you?"  
**Gave Him \$200.**

"Mr. Frank said he heard somebody coming."

"Mr. Frank gave you some greenbacks, didn't he?"  
"Yes, sir, \$200, but he took 'em back."

"Now, Jim, talking about this plan to burn the body, did you tell Black and Scott anything about it?"  
"No, sir, they had been taken off the case when I told about it first."

"Then who was the first man you told about it?"  
"Mr. Starnes and Mr. Campbell, I think."

"You say, that Mr. Frank told you that if you'd come back that night and burn the body he wouldn't put the notes down in the basement?"  
"Yes, sir."