

# SPONTANEOUS APPLAUSE GREET'S DORSEY'S VICTORY

*Their Testimony Will Have Direct Bearing on Leo Frank's Case*



Photos by Francis E. Price, Staff Photographer.

Left to right: W. H. Mincey, called by the defense to testify that Jim Conley told him he had murdered a girl; Mrs. Emma Freeman, an employee in the pencil factory, who is a witness for the defense, and C. B. Dalton, who was mentioned in story told by Conley on stand. He will testify for state today, and is expected to give sensational testimony.

## JUDGE ROAN DENIES MOTION OF DEFENSE TO STRIKE PART OF CONLEY TESTIMONY

Reuben Arnold Threatens to Call for Mistrial if There Should Be Recurrence of Applause Which Marked Reception of the Decision. Judge Announces That the Court Room Would Be Cleared if There Was Any More Disorder.

**BAFFLED BY ATTITUDE  
OF CONLEY ON STAND,  
DEFENSE ENDS GRILL**

Dr. Roy Harris Testifies in Afternoon, Declaring That Death Was Caused by Strangulation—Tells of Experiments With Four Men in Digestion of Cabbage Cooked by Mrs. Coleman, Mother of Girl Who Was Murdered—C. B. Dalton Testifies Today.

When, shortly after the noon recess Wednesday, after he had heard lengthy argument on both sides, Judge Roan reversed his decision of the day previous thereby admitting as evidence the statements of Jim Conley that on numerous occasions he had acted as "lookout" for Leo M. Frank while he was engaged with women on the second floor of the National Pencil factory, the state and Solicitor Dorsey won a victory which was perfectly patent to every one in the court room, and the news was quick to reach the street and to be circulated by word of mouth all over the city.

As soon as Judge Roan announced his decision spontaneous applause broke out in the court room and Reuben Arnold jumped to his feet, exclaiming:

"If that happens again I shall move for a mistrial."

Judge Roan announced that he would have to clear the room if there was a recurrence of the disorder.

Interest at Keen Pitch.

At no single stage of the long drawn-out trial has interest been so keen as when Judge Roan announced on Tuesday that he would reserve his decision on the admissibility of this evidence until Wednesday morning. The evidence was of such an important nature and its introduction came as such a complete surprise that it was the sole topic of conversation all day Monday and Tuesday. When Conley had blandly told of the occurrences which would seem to indicate a course of conduct on the part of the defendant which would throw light on the crime, and stamp him as apart from other men, there was profound surprise in the court room that

the astute attorneys for the defense did not strenuously object.

But on second thought the impression seemed to be that Mr. Rosser and Mr. Arnold, confident they could break the negro down, were opening wide the bars and were giving Conley all the rope necessary to hang himself.

As hour by hour the attorneys for the defense hammered away and failed to entrap the negro the enormity of the evidence became apparent.

Finally, came the virtual confession of the defense that they had failed to break the negro down and they asked that the evidence be stricken from the records.

All over the city the news spread that the negro had withstood the fire and that Frank's attorneys were seeking to have the evidence expunged from the records.

"Would Judge Roan rule for the state or for defense? This was the question which was asked by every one of his neighbor. Would other witnesses be allowed to go on the stand and corroborate the damaging statements made by Conley? Would the state be allowed to still further press the advantage it had made or would it have to close deprived of this evidence?"

The air was full of doubt and uncertainty.

Judge Roan by a few words cleared all this up.

### Jim Conley Finishes.

Jim Conley, after remaining on the stand sixteen hours, was allowed to leave the court room at 11 o'clock Wednesday morning. He stated that he was feeling fine and his appearance would not seem to indicate that he was fatigued in the least by the long ordeal through which he had passed. The defense had failed utterly to shake him on any material point of his story.

### Mesh Bag in Safe.

The big thing developed by his examination Wednesday was the statement that he had seen Frank place Mary Phagan's silver mesh bag in the safe in his office. Up to this time what had become of the mesh bag was a mystery. Jim Conley had not mentioned anything about it before, and it had been thought that the finding of the purse would go largely toward solving the mystery of the murder. Newt Leo's house had been searched for it and Conley's home had been ransacked in vain.

### Refused to See Conley.

By the introduction of Sheriff Mangum the state managed to prove, over the protest of the defense, that Frank

had refused to see Conley when he had been brought to the jail by Chief Beavers, Chief Lanford and others.

The state also endeavored to show by the testimony of Mrs. John R. White that, although Frank knew Conley was in the building on the day of the murder, the city detectives did not get this information until May 7, when Detective Rosser went out to see Mrs. White.

### Dr. Harris On the Stand.

Dr. Roy Harris, whose testimony last week was to the effect that Mary Phagan must have met her death within three-quarters of an hour after she had eaten cabbage and bread for breakfast, again took the stand Wednesday and resumed the testimony which had been interrupted by his illness.

Dr. Harris described the microscopic examination he had made of Mary Phagan's stomach and gave much additional information to prove that the little girl had been killed shortly after eating. He explained that hydrochloric acid had not had time to form and that the pancreatic juices were not present.

He told of having had Mrs. J. W. Coleman, mother of the dead child, prepare some cabbage just as she had cooked it for her daughter on the last day of her life, and of the experiments he had made on several persons, one of whom was Mary Phagan's exact age.

The whole purpose of Dr. Harris' testimony was to show that even if not properly masticated the acids and juices of the stomach will make certain changes on food within a certain length of time.

He also testified as to the condition of the organs of the girl to show that violence of some sort had been done her.

Both Luther Rosser and Reuben Arnold cross-questioned Dr. Harris, but failed to develop anything of material benefit to the defense. It was plain to see that the defense is working on the theory that the child was killed at a later hour than the state hopes to prove.

Dr. Harris was extremely weak and asked to be relieved of further testimony until today. He will be placed on the stand again this morning.

### Sensation Is Expected.

Following Dr. Harris, C. B. Dalton will be placed on the stand by the state. He is the man referred to by Conley as having visited the pencil factory on one of the days when Conley says he was "watching out" for Frank. His testimony is expected to prove sensational in the extreme. Other corroborative witnesses will follow Dalton.