

# Unable to Shake Conley's Story Rosser Ends Cross-Examination

On the opening of court Wednesday morning when Judge L. S. Roan announced that he would postpone his final decision in regard to the admissibility of Jim Conley's evidence in regard to Igo Frank's alleged misconduct and also to the negro's acting on previous occasions as his "lookout," Luther Rosser began his final effort to break the negro down.

Conley stayed on the stand until 10 o'clock and was then excused. He had been testifying for fifteen hours in all and of this thirteen hours had been under the merciless grilling of Attorney Rosser.

The negro stuck to the last to the main points of his story, and, while admitting that he had lied on previous occasions, swore that he had only tried to save himself and that about the murder he was telling the whole truth. No amount of effort could break him from this declaration.

Conley also added a new point to his story when under additional questioning from Solicitor Hugh Dorsey he swore that he had seen Frank hide Mary Phagan's meshbag in his safe. Before that both sides had declared they could not account for the disappearance of the pocketbook or bag in which the girl had carried her money.

**Heads Black Affidavit.**

Mr. Rosser opened the morning cross-examination by reading to the negro the second affidavit he made to Detective John R. Black and Harry Scott. It was in this that the darkey swore he had left home at about 9 o'clock and after visiting several saloons and poolrooms, among which was one bear-

ing the name of the "But In" saloon, he had won 99 cents at dice and then gone to the factory at about 1 o'clock. In it he had admitted to writing the murder notes, but made no mention of helping Frank dispose of the body.

Then the lawyer read the next affidavit in which the negro declared he had aided Frank in taking the dead girl's body to the cellar in which, despite the fact that he had put into it the claim that he was telling the whole truth, he had not told certain things which he waited until he got on the stand to tell.

Mr. Rosser made Conley acknowledge to having made these affidavits and with particular emphasis called his attention to the various discrepancies between them and also between the final one and his sworn testimony.

Then the lawyer asked the witness about several conversations he is alleged by the defense to have had with various factory employees after the murder was discovered and before he was arrested.

"Jim," began Mr. Rosser, "soon after the murder weren't you working near where Miss Rebecca Carson was and did she say to you, 'Jim, they ain't got you yet for this, and didn't you say, 'No, and they ain't goin' to, 'cause I ain't done nothin'?"

"No, sir," replied Conley, "dat lady ain't never said nothing like dat to me and I ain't never said nothing like dat to her."

"Didn't she say, 'Well, they've got Mr. Frank and he ain't done nothing,' and didn't you then say, 'Mr. Frank is ez innocent as you is and de Lord knows you ain't guilty'?"

"No, sir," replied Jim positively; "no,

Mr. Rosser, wasn't nothing lak dat passed 'tween us."

**Denies That He Hid.**

"Jim," Mr. Rosser next asked, "weren't you talking to one of the ladies there right after the murder and she said, 'Jim, you did this,' and didn't you lay down your broom and go off to another part of the building?"

"Nothing lak dat ever happened," asserted the witness.

"Well, Jim, one day just before you were arrested, weren't you hiding yourself on the second floor, afraid to go downstairs, and didn't you say in the presence of Mr. Herbert Schiff that you'd give a million dollars to be a white man, and that if you were a white man you'd go on down the steps?"

"No, sir," replied Jim, "I did say I wished I was a white man and dat if I was I'd go on down."

"Didn't you ask Mrs. Dora Small to read an extra to you about that same day, and then tell her Mr. Frank was innocent?"

"No, sir," replied Jim, "I never had no talk like dat with her."

"Didn't you tell Miss Julia Foss that Mr. Frank was as innocent as an angel in heaven?"

"No, sir, I never said nothing like dat to dat lady, either."

**Dorsey Takes Witness.**

It was then 10 o'clock and Mr. Rosser suddenly announced that he was through with his cross examination. Solicitor Dorsey declared that he wished to ask a few more questions before Conley was excused.

"Jim," he said, "when you told Mr. Rosser about being in jail where did you mean you were kept?"

"I meant at police station," replied Jim.

"What did they put you in jail for, Jim?"

Mr. Rosser objected strenuously, declaring that every negro when asked that question answers, "for nothin' boss; I hadn't done nothin'."

After some argument on both sides Judge Roan held that the question might be asked and answered.

Conley then swore that the first time he was put in jail was when a boy and as arrested for throwing rocks, and that the other times had been for fighting with other negroes and for being drunk and disorderly. He declared he had never been in the county jail until after he was placed there following the murder, and that he had never been arrested for a serious offense.

"Did you ever see Frank down there in the jail?" asked Mr. Dorsey.

"No, sir."

"Why didn't you?"

Mr. Rosser succeeded in having this ruled out.

"From the time you were arrested, did you see Frank until the day you came into this courtroom?" asked Dorsey.

"Yes, sir, I seed him at the coroner's court down there at headquarters, and he went by me and lowed his head and smiled."

"Was that before you had told on him?"

"Yes, sir."

**Says Frank Dictated Notes.**

"Tell the jury what, if anything, Frank did with your pencil while you were writing the murder notes."

"He tuck de pencil outer my hand and rubbed out the letter 'B' I had put at the end of 'negro,'" said Jim.

"Did you ever see the pocketbook, purse or meshbag of Miss Mary Phagan?"

"Yes, sir, I saw it on Mr. Frank's doak after we came back from putting the body in the basement, and he tuck it and put it in his safe," said Jim.

Mr. Dorsey then asked the negro to describe the scroum he claims to have heard, but Mr. Rosser succeeded in having that ruled out, claiming that it had been gone into before.

"Jim," Mr. Dorsey then asked, "who has asked you the most questions and talked to you the longest, Mr. Black, Mr. Scott, Mr. Starnes, Mr. Campbell, myself or Mr. Rosser?"

Rosser got this question declared illegal.

"Well, what was the longest time any of those detectives talked to you?"

**Conley Causes Laughter.**

"You means Mr. Rosser dere, don't you," said Jim, and the courtroom forgot itself for the moment until the vigorous rapping of deputies restored order.

Conley finally was made to understand that Mr. Rosser, although he had grilled him for about two days, did not wear a star and rubber-heeled shoes, and he then stated that Scott and Black had talked to him more than any of the other detectives, and had kept him on one occasion from about 11 o'clock until dark, but he declared that they had given him several rests between talks, and that they actually talked to him about three and a half hours.

"Well, how long did Mr. Rosser talk to you?"

Mr. Rosser had this question ruled out, the solicitor making a vigorous but vain plea, that it should get on record how long the negro had been

under the cross-fire of questions on the stand.

"Was there any cloth around the place where you got the gunny sack?"

"There was some near there."

"Was moving the body a pretty hard job?"

"Yes, sir."

Attorney Rosser's objections to this were overruled.

Upon the request of the solicitor the negro then lay down on the floor and illustrated how he had placed the girl's body in the basement, and he also took The Constitution's flashlight picture of the basement and showed exactly where he had placed the body.

"Tell the jury everything you did after you looked at the clock, and saw it was four minutes to one," said Mr. Dorsey.

"Where did Mr. Frank wash his hands?"

Conley indicated on the diagram a spot near the office.

"What was said about your going to Brooklyn?"

"Mr. Frank never said nothing about my going to Brooklyn; he said he would send me away," replied Jim.

**Denies Seeing Mincey.**

"Did you ever have a talk with W. H. Mincey?"

"Never except that day at the station house when he come there."

On Mr. Rosser's objection to this, Judge Roan ruled that the state could not go into Mincey's talk at the station.

"Jim, on the night you were put in jail and the newspaper men come, what did they do to you?" asked Mr. Dorsey.

"They jes' talked to me, an' one of them offered me a paper," said Jim.

At this juncture Mr. Dorsey requested that Harlow Branch and Harold W. Ross, two reporters at the press table, leave the courtroom. When they left he continued:

"What did you say to Mr. Schiff?"

"Mr. Schiff asked me if I saw the crowd out there."

"How long have you known Mr. N. V. Darley?"

"Ever since he come to the factory."

"Did Mr. Schiff and Mr. Darley know you could write?"

Mr. Rosser entered an objection to this and in reply Mr. Dorsey said: "Your honor, while this negro was in jail and the National Pencil factory had employed detectives to find the murderer, and while he was claiming he could not write, these men knew that he could and yet did not tell the detectives."

"It's not in evidence that these men know the detectives wanted Conley to write," replied Mr. Rosser.

"I can prove it by those two newspaper men I asked to leave the room," replied Mr. Dorsey, "and yet these two men connected with the pencil factory concealed the fact that this negro could write."

**Evidence Ruled Out.**

Judge Roan ruled that Mr. Dorsey could not introduce the evidence to show that Schiff and Darley knew Jim could write, and that he could not introduce his evidence to show that the two factory employees knew the detectives desired him to write. The two newspaper men were then allowed to re-enter the room.

"Jim, can you write 'luxury'?"

"Yes, sir," replied Jim, "they had boxes with that on 'em at the factory and when they gave out I had to write it down and give it to Mr. Frank so he would know to order some more."

"Did he furnish the paper for you to write on?"

"Yes, sir."

It was now 10:50 o'clock and Mr. Rosser again took up the cross-examination for a few questions.

"Did Mr. Frank have the dead girl's meshbag on his desk when you came back from the basement Jim?"

"Yes, sir."

"He put it in his safe and locked the door, did he?"

"He put it in the safe," said Jim, "but I dunno whether he locked the door or no."

Mr. Rosser then went into much detail about the various times that detectives and the state's lawyers had talked to Conley about the crime. He had to explain to Jim what was meant by the state's lawyers.

"Jim," he next asked, "how long had you been caring for the boxes?"

"Bout a year," said Jim.

"So Mr. Frank knew for over a year that you could write?"

"I reckon he did," said Conley; "I'd been writing down the things about the boxes and givin' 'em to him that long."

**A New, Simplified Method.**

It was at this juncture that Conley, prompted by Attorney Rosser, introduced to the world an absolutely new method of spelling, and one that would put A. Carnegie and T. Roosevelt to shame should they ever learn that a man with no education had introduced it.

The exemplification of the new method began with "Uncle Remus," a word known and loved by Carnegie himself. It happened that Jim said that the National Pencil company used this as a trade name for one of their brands of pencils.

"How do you spell 'Uncle Remus,' Jim?" Mr. Rosser asked.

"Well, I kin spell it," replied Jim.

"Go ahead," he was urged.

"O-n," said Jim.

"Well, does that spell Uncle?" asked Mr. Rosser.

"Yes, sir."

"Well, spell 'Remus.'"

"R-i-m-o-s-s-a," said Jim proudly.

"That's fine, Jim. Now, spell 'luxury.'"

It was here that the new system reached its climax.

"L-u-a-t-r-i-l-s," Jim replied.

"All right, Jim. Now, spell 'Thomas Jefferson,'" urged Mr. Rosser, that being also a trade name of the pencils.

"T-o-m-a-s-i-s, Thomas," said Jim.

"Go ahead."

"J-a-s-s-a," finished Jim.

Leo Frank was laughing by this time and deputies were frowning and threatening to eject certain spectators from the courtroom.

Conley wound up the spilling bee by declaring that "Joe Wislitor" was the orthodox way of spelling the name of the man who made the cherry tree famous.

"Jim," next asked Mr. Rosser, "wouldn't you sometimes write Mr. Frank a note in order to draw on your wages?"

"Yes, sir; I'd write out. 'Please let me have 50 cents,'" replied the negro.

"And you'd say, 'An' take it out of my wages,' wouldn't you?" the questioner added.

"No, sir; I couldn't write out all dat last part. Mr. Frank he'd know where to take hit fum."

Mr. Dorsey then put a few minor questions and after those Mr. Rosser asked the negro if Schiff did not have charge of the boxes instead of Frank. Conley declared that Frank had charge of them.

It was 11:14 o'clock when the negro finally left the stand.