

# CONLEY AND FRANK MEET WEDNESDAY

## Testimony as to Death of Mary Phagan Will Be Taken at Jail for Use in Damage Suit.

### May Oppose Commutation.

As the result of a conference between J. W. Coleman, stepfather of Mary Phagan, and James L. Key, attorney for Mrs. Coleman, in her suit for \$10,000 damages against the National Pencil factory, Mr. Key may appear before the prison commission during course of the Leo Frank commutation hearing and protest against clemency on behalf of the parents of the slain girl.

Mr. Key, following the conference, was non-committal, saying that he had not decided whether to appear before the commission or not. Mr. Coleman stated, however, prior to the talk with his counsel, that he would, in all probability, engage Mr. Key to protest in behalf of Mary Phagan's family against commutation.

Jim Conley and Leo M. Frank will come face to face Wednesday afternoon at 3:30 o'clock while the battle for Frank's life is being waged before the prison commission. The two prisoners will be put upon the witness stand to testify in the damage suit of Mrs. J. W. Coleman v. the National Pencil factory.

Conley gains his freedom on that date. The hearing will be held to furnish evidence that Mary Phagan, Mrs. Coleman's daughter, was slain in the National Pencil factory on April 26, 1913. Frank and Conley will be the two witnesses to testify to the fact.

The trial of Mrs. Coleman's suit will not come up for at least two months. Frank is under sentence to die, and Conley's liberation makes it imperative that the testimony be delivered on the date of the negro's release. Their examinations will be held in the county jail before a deputized commissioner.

### Sues for \$10,000.

Mrs. Coleman's suit is for \$10,000 damages for the death of her child. She is represented by James L. Key. When Mr. Key recently consulted with Luther Z. Rosser, counsel for the pencil plant, he was informed that the defendants would not permit the acceptance of the Frank trial testimony as evidence of the death of Mary Phagan in the pencil factory, but demanded that the trial of Mrs. Coleman's suit proceed as though no such trial had been held.

Warden C. H. Girardeau, of the Fulton county convict system, was informed by mail Friday afternoon that a subpoena had been served upon Jim Conley in the county convict camp commanding him to appear at the jail Wednesday afternoon. The warden was asked to produce the negro accessory at that time.

Sheriff Mangum was sent a similar notice to the effect that Frank had been subpoenaed, and was asked to produce the doomed man at Wednesday's hearing. While Frank delivers his testimony in the damage suit preliminary his counsel and friends will be conducting the desperate battle for his life before the prison commission.

### Appeals for Commutation.

Hundreds of Atlantans and prominent judicial authorities of other states and cities have deluged Governor John M. Slaton's office with appeals for the commutation of Leo Frank. John A. Boykin, a well-known Atlanta attorney, has substantiated the recent statement of Judge Arthur G. Powell that Judge L. S. Roan had often expressed the belief that Frank was not guilty.

He communicated this to Governor Slaton in a letter received Friday. Some of the prominent authors of appeals from this state are C. W. Pidcock, of Moultrie, president of the Georgia Northern railway; J. L. Hand, capitalist, of Pelham; Walter R. Daley, former president of the Atlanta board of education; P. D. McCarley, president Elberton Cotton mills; C. D. Barclay, president Cordele Chamber of Commerce.

Hundreds of letters come daily from other states. Among the national notables from whom appeals were received Friday are Governor Earl Brewer, of Mississippi; John Sharp Williams, United States senator from Mississippi; George P. McLean, United States senator from Connecticut; Congressman Joseph W. Byrnes, of Tennessee; United States Senator J. Ham Lewis, of Illinois; Charles K. Harris, of New York, the renowned song writer; C. A. Rood, editor Pittsburg Dispatch; Judge Louis C. Barley, of Alexandria, Va.

The following telegram, directed to the state prison commission, was received in the governor's office Friday afternoon from United States Senator John W. Kern, of Indiana:

"I have followed proceedings in the Frank case step by step with great and increasing interest and as a lawyer with forty years' experience, I beg you to spare this man's life. He will die a martyr in the estimation of millions of American citizens if you permit him to be executed. I have an abiding opinion that the great hearted Georgians of your board will be guided by sentiments of humanity as well as justice and will give this unfortunate creature the benefit of the doubts which must fill the minds of all impartial men.

(Signed) "JOHN W. KERN,  
"Washington, D. C."

### Baptists Urge Clemency.

The General Assembly of Baptists, of Texas, made an appeal through Dr. John E. White, representing the Evangelical Ministers' association of Atlanta, for commutation of Leo Frank Friday afternoon.

Through the leading officials of the Texas organization, Dr. J. B. Gambrell, Dr. George W. Pruitt, Dr. F. M. McConnell, Rev. J. H. Gambrell and Dr. B. A. Copass, five of the Lone Star state's best known ministers, the following telegram was sent to Dr. White:

"If there is a doubt of the prisoner's guilt, it would be our ardent wish that you appeal on our behalf for commutation."