

FRANK AND CONLEY WILL NOT TESTIFY

Negro Goes to Jail, But the Attorneys Had Agreed in Mrs. Coleman's Suit Against Pencil Factory.

Agreement on the part of Luther Z. Rosser, counsel for the National Pencil factory, to accept the evidence of the Leo M. Frank trial in the suit for \$10,000 damages against his client by Mrs. J. W. Coleman, mother of Mary Phagan, resulted yesterday in the abandonment of the proposed hearing scheduled at the county jail.

It was proposed that Jim Conley and Leo Frank give testimony before a deputized commissioner to the effect that Mary Phagan was slain in the pencil factory building. Attorney Rosser, in behalf of the pencil plant, had objected to the acceptance of the trial evidence.

Conley and Frank, therefore, were subpoenaed to testify to the fact that the girl had been killed on the pencil factory premises, and to circumstances surrounding her death. The hearing was set for 3 o'clock. Conley left the office of Solicitor Dorsey in time to reach the hearing, but was told at the jail that the session had been called off.

Conley was released from Bellwood convict camp Tuesday night. He appeared at Dorsey's office Wednesday morning, declaring that he intended to remain in Atlanta, where he expected to take the first job available. He was penniless and complaining of the smallness of the shoes given him when he departed from the Bellwood camp.

He denied authorship of the Annie Maude Carter love letters, asserting that they had been written by one of the jail trustees. For a considerable while he protested against discussing the Frank case with reporters, but later relented in the presence of Solicitor Dorsey.

"I'm through with the Frank case," he said, "and don't want to have anything else to do with it."

He agreed, however, that he would testify before either the prison commission or governor, in the event he was summoned before either. He told the solicitor that he would reside at his mother's home, 98 Tattnall street.