

# CONLEY'S STAINS

# CRACKERS SPLIT EVEN

## EXTRA THE ATLANTA GEORGIAN.

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ATLANTA, GA., WEDNESDAY, AUGUST 6, 1913.

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### STATE WINS VICTORY WHEN ROAN RETAINS DAMAGING EVIDENCE

A decisive victory was scored by the State Wednesday afternoon in the bitter struggle over the admissibility of certain portions of Jim Conley's testimony which has reference to Leo Frank's alleged conduct with women visitors at the factory.

Judge Roan ruled that all of Conley's testimony should stand; he also ruled that the testimony of O. B. Dalton on the same subject insofar as it was corroborative of Conley's statements might be presented, and that he would rule on it as it came up.

Judge Roan's only ruling which favored the defense was that the proposed testimony of young George Epps was entirely inadmissible. The part of Epps' testimony to which the defense objected was that Mary Phagan had told him that she was afraid of Frank, and that Frank had tried to flirt with her.

The announcement of Judge Roan's ruling was a signal for a murmur of applause and a stamping of feet about the room.

Reuben Arnold was on his feet instantly.

"Such a demonstration might easily cause a mistrial," he cried.

"The jury is not in," Solicitor Dorsey remarked.

"That makes no difference, the jury might have heard it," retorted Arnold. "If any applause like this occurs again I shall move that the courtroom be cleared."

Dr. H. F. Harris, who collapsed on the stand last Friday, was recalled as soon as the ruling was announced. He was able to present nothing new for more than half an hour due to the objection of the testimony in regard to some of his scientific experiments which the State asserted had a bearing on the case.

"I say with almost absolute certainty that Mary Phagan lived not more than 30 or 45 minutes," said the medical expert, as soon as he had been recalled to the stand by Solicitor Dorsey.

Dr. Harris declared there could be no doubt as to the result of his analysis of the contents of the girl's stomach. The cabbage she had eaten had been hardly affected by the digestive juices, he said.

Answering the contention of the defense that cabbage is especially hard to digest, the physician said that the cabbage the girl had eaten had progressed no further in its digestion than the cabbage.

**Hot Argument Over Excluding Testimony.**

The State has virtually completed its case.

It was reported during the confusion after the judge's announcement of his ruling that Reuben Arnold had made a motion for a mistrial. Mr. Arnold later explained that he had made it and then withdrawn it because the jury was not in the room.

The fight to exclude Conley's testimony in regard to Frank's alleged conduct proved one of the exciting incidents of the morning session. The argument was still in progress when court adjourned for the noon recess. That and Conley's sensational declaration that Frank had hid the murder victim's silver-plated mesh bag, for which the detectives have been searching for months, in the safe in the factory office immediately after the crime were the features of the day.

Reuben Arnold argued that it was inadmissible because irrelevant and immaterial, and that it was a violation of the general principle in law that because a committed X last year, it can not be introduced to show that he committed X of which he is now accused.

**Early Ruling Is Promised.**

Combating the contention of Attorney Hooper that the objection of the defense had not been made until the lawyers for Frank had cross-examined the negro and found that they could get no reversal of statements from him, Arnold cited cases in a large number of States indicating that it is a well defined privilege that testimony may be stricken out at the instance of the defense even after the cross-examination has taken place. Judge Roan said that he would make his ruling early in the afternoon session.

Colonel Arnold grew faint during the argument and got the judge's consent to talk sitting.

Attorney Rosser's manner was angry and threatening when he arose for the re-examination of Jim Conley, who had testified to seeing Frank hide Mary Phagan's purse in his safe. He began at once a vicious attack on Conley's story of the mesh bag. He asked when Conley first told this remarkable tale. Conley said he couldn't remember.

"Why didn't you tell this when you were telling the whole

### RACING RESULTS

**AT SARATOGA.**

FIRST--Six furlongs: Leland 107 (Hobbs), 2; 6:55. 1/2, won; Lulu 144 (Cowan), 3; 7:00. 1/2, second; The Peach 145 (Hobbs), 4; 7:10. 1/2, third; Time, 1:11. 3/4.

SECOND--Two miles: Wilson 148 (Hobbs), 1; 7:45. 4/5, won; The Peach 145 (Hobbs), 2; 7:55. 4/5, second; The Peach 145 (Hobbs), 3; 8:05. 4/5, third; Time, 15:30. 1/2.

THIRD--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

FOURTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

FIFTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

SIXTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

SEVENTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

EIGHTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

NINTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

TENTH--Five and one-half furlongs: Leland 107 (Hobbs), 1; 1:05. 1/2, won; Lulu 144 (Cowan), 2; 1:10. 1/2, second; The Peach 145 (Hobbs), 3; 1:15. 1/2, third; Time, 3:15. 1/2.

### LATEST NEWS

**WASHINGTON, Aug. 6.**—Senator Luke Lea of Tennessee to-day offered legislation on the amount of stock held by the Louisville and Nashville railroad and the Louisville and Nashville and Nashville and Nashville railroads, and to investigate the terms of the lease under which the Louisville and Nashville railroad is operated by the Louisville and Nashville and Nashville and Nashville railroads, for the purpose of learning whether, under the terms of the lease, these roads would be competitive.

**LOUISVILLE, Ky., Aug. 6.**—E. W. Wood, for the Louisville Republican postmaster of Louisville, was elected to the office of postmaster of the city of Louisville, Ky., to succeed E. J. Smith, Democrat, who has resigned. The post pays \$4,000 a year.

**AUGUSTA, Aug. 6.**—The River-side Compress, with 425 bales of cotton, was destroyed by fire today. The total loss is estimated at \$100,000. On the building and machinery \$70,000 insurance was carried. President C. G. Daugherty says that the compress will be replaced.

**ST. LOUIS, Aug. 6.**—Two divisions of government troops to-day attacked the East Gate of the city of St. Louis. The fighting is going on between the federal and militiamen who hold the city.

**ST. LOUIS, Aug. 6.**—LARRY McFARLANE, manager of the St. Louis White Sox, to-day was traded to Midway for Ole Anderson. Larry leaves at once to join the Giants.

**LONDON, Aug. 6.**—Premier Asquith consented to receive a deputation of representatives of the Government who will be asked to grant the franchise to all women without further delay.

**NEW YORK, Aug. 6.**—Franklin Johnson, manager of the Cincinnati Reds, to-day afternoon watched a Major League pitcher for Kansas City against Louisville.

While Mrs. W. H. Franklin was busy her wife near here her year-old baby girl cracked some for poison and drank it, dying from its effects in a short while.

ATLANTA	0 3 0 0 0 0 0 0 - 5
CHATTANOOGA	0 0 0 0 0 1 3 0 - 4
CRACKERS	r h o a e
LOOKOUTS	r h o a e
WASH. 11	0 0 3 0 0
Agar, 1b	0 0 7 1 0
Flick, 2b	0 0 1 3 1
Wolchone, cf	1 1 3 0 8
Johnson, p	0 1 3 0 0
Smith, 2b	x 2 3 4 0
Eberfeld, rf	0 0 1 0 0
Blasland, ss	1 2 2 3 0
King, cf	0 0 2 1 0
Holland, 3b	1 1 1 1 0
Coyle, 1b	2 1 1 0 0
Holtz, rf	0 1 3 0 0
Chapman, c	0 1 4 0 0
Graham, c	0 1 1 0 0
Price, p	0 1 1 0 0
Grimes, p	0 0 0 0 0
Hawell, p	0 0 0 0 0
Totals	5 9 2 7 8 0
Totals	4 7 2 1 3 0

**SUMMARY.**

Two-base hit—Coyle.

Struck out—by Grimes 2, Howell 3, Price 3. Bases on balls—off: Howell 3, off Price 3. Stolen bases—Holtz. Umpires: Hart and Bristenston.

**LAST OF EIGHTH.**—Eberfeld tied to Wolchone. King out. Blasland to Agler. Graf walked. Coyle singled to left. Graham tripled to right, scoring Coyle and Graf. Coyle-Kie doubled to right, scoring Graham. Dent now pitching for Atlanta. Walsh fanned. THREE HITS, THREE RUNS.

**NINTH INNING.**—Chapman out. Walsh to Coyle. Dent out to Coyle unassisted. Long fanned. NO HITS, NO RUNS.

Williams popped to Smith. Johnson out. Blasland to Agler. Eberfeld tied to Long. NO HITS, NO RUNS.

### FINAL

AT NASHVILLE	001 000 000 - 1 5 2
BIRMINGHAM	010 040 000 - 5 10 2
No other games scheduled.	

### NATIONAL LEAGUE

AT PITTSBURGH	000 000 010 - 1 8 4
NEW YORK	000 000 000 - 1 8 4
PITTSBURGH	002 070 000 - 9 12 1
Mathewson, Witte and Wilson; McQuinn and Olsen. Umpires, O'Day and Egan.	
AT CHICAGO	012 000 000 - 0 3 6 1
BROOKLYN	011 000 010 - 1 4 10 1
CHICAGO	011 000 010 - 1 4 10 1
Brennan and Egan; and Miller; Chesney and Needham and Archer. Umpires, Egan and Miller.	
AT PHILADELPHIA	200 100 004 - 7 8 0
ST. LOUIS	000 000 100 - 1 4 0
Riskey and Killifer; Harmon and Wingo. Umpires, Klem and Orth. Boston-Cincinnati, no game; rain.	

### AMERICAN LEAGUE

AT WASHINGTON	000 000 011 - 2 3 3
CHICAGO	060 030 11X - 11 8 2
WASHINGTON	060 030 11X - 11 8 2
Smith, O'Brien, Lathrop and Kuhn; Johnson, Galla and Alenanth. Umpires, Evans and Hilgert.	
AT CLEVELAND	001 040 11X - 7 11 1
PHILADELPHIA	001 040 11X - 7 11 1
Clegg, Kaher and O'Neill; Bush and Schanz. Umpires, Connolly and Ferguson.	
NEW YORK	002 000 000 - 2 8 2
DETROIT	000 001 000 - 1 4 2
NEW YORK	000 001 000 - 1 4 2
Daupe and McKee; Ford and Swenney. Umpires, O'Loughlin and Shattuck.	
AT ST. LOUIS	000 000 010 - 1 6 0
BOSTON	110 000 02X - 4 12 1
Baumgardner and McAllister; Bed lent and Thomas. Umpires, Dinesen and Egan.	

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