

# DID NOT CONFESS TO GIRL'S MURDER, SAYS JIM CONLEY

## Three New Affidavits in Hearing on New Trial Petition by Leo Frank Necessitate Postponement.

### JIM CONLEY CONFESSED GUILT, SAY WITNESSES

## Preacher and Negress Swear to Admission—Another Witness Tells of Seeing Girl Leave Frank's Office.

Jim Conley, the negro accused yesterday of confessing to the murder of Mary Phagan, made a sweeping denial last night to The Constitution, and declared that his counsel would be able to present evidence which would prove that the accusations were absolutely false.

The negro's statement was made to a reporter for The Constitution through Attorney William M. Smith, Conley's attorney. Smith was requested to ask certain questions having direct bearing on the affidavits submitted before Judge Ben Hill by Frank's defense, in which two witnesses accuse Conley of having admitted the Phagan crime.

Conley stated through Smith that the affidavits were false in every respect, and that he had never known Annie Maude Carter, the negress, who says Conley, while in Fulton jail, confessed to her, except to see her occasionally while she was imprisoned in the Tower. He says they rarely spoke, and then only to exchange greetings.

#### Will Establish Alibi.

Conley also stated that he would be able to show an alibi to disprove the charge of Rev. C. B. Ragsdale, the minister who has made an affidavit to the effect that he overheard Conley tell another negro in an alley near the Terminal station on the Monday night following the murder, that he had killed a girl at the pencil factory.

Attorney Smith was asked by the reporter to make a statement regarding the new evidence which so startled those present at the hearing for a retrial, being held before Judge Ben Hill, which was adjourned Friday morning until next Friday morning, to give the prosecution time to form a counter showing to the new developments.

His answer was: "In the words of Champ Clark, I can

only say: 'Shoo fly! Don't bother me!'"

#### Confession is Alleged.

The effect that the two strongest pieces of evidence introduced by attorneys for the defense will have on Solicitor Hugh Dorsey's fight to prevent a new trial for Leo Frank will, in all probability, cause a second delay in the re-trial hearing that is now in progress before Judge Ben Hill.

The solicitor requested adjournment of the hearing yesterday morning so that he would have ample time and opportunity to gather evidence with which to make a counter showing against three new affidavits that were presented by Frank's attorneys Friday morning.

These affidavits are from witnesses whose connection with the case was not made public until their testimony was revealed to Judge Hill. Two of them—a minister and a negro woman, swear they heard Jim Conley confess to the murder of Mary Phagan. The third witness states she was in the pencil factory at the time Mary Phagan entered, and that she saw the girl depart from Frank's office and go down the stairway to the first floor.

#### Work of Detective Burns.

These affidavits were introduced into the retrial motion as amendments. A strong fight was made against them by the solicitor, but was defeated. Both phases of the new evidence were unearthed by Detective William J. Burns.

Solicitor Dorsey would have nothing to say for publication. He would express himself in no manner regarding the Conley confession affidavits. He intimated that the prosecution would insist upon further postponement next Friday so that his men could make exhaustive investigations into the new affidavits.

Annie Maude Carter, a negress, who was once a prisoner in the Tower in which Conley is held, made the most startling of the three affidavits. She testifies that the negro prisoner had made love to her and had wanted to marry her, and that he had confessed to having slain Mary Phagan.

She swears that the negro went into thorough details of the murder, and that he exonerated Leo Frank completely. At first, however, she states in the affidavit, Conley sought to make her believe that he and Frank were both implicated in the murder, and that both had attacked the girl after he (Conley) had strangled her into unconsciousness.

#### Had Killed the Girl.

The affidavit from the minister—Rev. C. B. Ragsdale, of Kirkwood—tells of an alleged conversation he overheard on the Monday night after Mary Phagan's death between Jim Conley and another negro in an alley near the pencil factory building. He swears that Conley told his black companion that he had got into trouble at the pencil plant—had killed a girl.

Conley's companion, the minister says in his document, asked Conley if anyone was in the building at the time Conley committed the crime, and Conley answered that Frank might have been in the place, but he thought not.

The third sensation is an affidavit attested to by Mrs. Maud Bailey, who swears she saw Mary Phagan come to the second floor of the pencil factory about five minutes after 12, on the day of the tragedy, go into Frank's office, remain a moment or so, emerge and then go down the stairway to the first

floor. She also swears that, as she came up the stairs upon entering the building, she saw Jim Conley sitting on a box near the foot of the steps.

Mrs. Bailey had gone to the factory, she swears, with her mother, Mrs. Mae Barrett, and that she waited on the second floor near Frank's office by the time clock, while her mother went upstairs to the next floor. While she was standing there, she says, a girl—whom she describes as being young, wearing short dresses and a lavender dress, but does not say was Mary Phagan—entered and went into Frank's office, afterwards emerging. She also swears she saw Lemmie Quinn come into Frank's office directly after the girl had departed.

#### Evidence Corroborated.

The affidavit made by the Kirkwood preacher is supported in part by an affidavit sworn by R. L. Barbour, of Temple, Ga., who says he saw Rev. Ragsdale enter the alley, followed by the two negroes, one of whom he identifies as Jim Conley.

The negress affiant, in telling of the alleged confession of Conley, says that Conley told her he had written the notes for the purpose of trying to direct suspicion to Newt Lee, the negro night watchman, and that he had first put them in her bosom. He admitted, she says, prying the staple from the rear door of the factory basement and going into the alley, from whence he went to a nearby saloon.

The woman also says she was at police headquarters Thursday, and that an affidavit was taken from her by Chief Lanford and Detectives Chewing and Sturdivant. But, she says, she did not tell them anything of the alleged confession from Conley, as, in her own words: "She knew they were trying to protect Conley and didn't want to tell them all she knew."

The affidavit procured from her at police headquarters has not been made public.

#### Solicitor Fights Amendments.

The hearing before Judge Hill was adjourned shortly Friday morning. When the counsel for Frank proposed to amend their motion with the new evidence, a vigorous fight against the move was made by the solicitor. He was overruled, however, and the affidavits presented to Judge Hill. There were a few heated words from Attorney Rosser, when, in reply to a remark from Dorsey, the senior counsel said:

"Mr. Dorsey has no right to talk about detectives or investigators." Here he pointed an accusing finger in the direction of Dorsey. "Just look at the bunch that is surrounding him."

Eight of the picked men from police headquarters, including John Black, John Starnes and Pat Campbell—were gathered around the solicitor. Dorsey, however, merely smiled in reply.

A thorough probe of the three affidavits will be made by the investigators attached to Dorsey's office. None of the attaches to Dorsey's staff would talk.