

**Evidence Implicating Conley.**  
*Special to The New York Times.*

ATLANTA, Ga., April 24.—Concluding their plea that the extraordinary motion for a new trial should be granted, attorneys for Leo M. Frank presented to-day direct evidence that Jim Conley, the negro accuser of Frank, murdered Mary Phagan in the basement of the National Pencil Factory.

This evidence so surprised Solicitor General Hugh Dorsey that he asked for a postponement, and Judge B. H. Hill adjourned the hearing until next Friday, when the State will attempt to rebut the evidence offered by the defendant.

The affidavit of a colored woman, who swore that Conley had confessed to her to the murder of Mary Phagan; the affidavit of a white Baptist minister that he heard a negro identified as Conley admit the murder, and the affidavit of a woman, who said she saw Frank at his desk in the factory after Mary Phagan went down the steps toward the street were the sensations sprung by the defense.

Annie Maud Carter of 88½ West Linden Avenue, colored, recently sentenced by Judge Hill to twenty years in the penitentiary for highway robbery, who obtained a new trial and was released on bond, swore that Conley in Christmas week promised to tell her the truth about the crime if she would promise to marry him, and on this promise she swore that he admitted the murder to her and gave her many details, explaining the opening of the basement door and the disappearance of the slain girl's purse.

The witness testified that she was sent to jail on Oct. 7, 1913, and that in November she met Jim Conley there and often stopped in the corridor of his cell and talked with him. He spoke freely about the crime, she testified, but at first said he was innocent of any connection with it, except that he carried the body to the basement.

Later Conley told her, she said, that he was "so near guilty that he had lost hope." When Conley told her that he would tell her the truth if she would promise to marry him, she said he admitted he killed the girl, implicating Frank. Immediately thereafter, in the same conversation, he admitted he had lied about Frank, she said, and then he told her that he had killed Mary Phagan and that Frank knew nothing of the crime.

When Mary Phagan came down the steps of Frank's office, she swore Conley told her, he called to her and said some one wished to speak to her. She walked back toward the elevator, and then he said he knocked her in the head, choked her, and dropped her body down the hole near the elevator to the basement.

**Tried to Divert Suspicion.**

Then, the affiant swore, the negro admitted he wrote notes in an effort to fasten suspicion of the crime on Newt Lee, the negro night watchman. First he said he put the notes in the slain girl's bosom, but decided later to leave them on the floor beside the body. He then took one of the instruments used to open boxes, the witness testified Conley said, and forced the lock off the door. Then he said he went to a saloon and had a glass of beer, and later returned to the factory to his work to draw suspicion away from himself. Later in the day he became intoxicated, she said he told her.

Conley explained the missing purse, the woman swore, by saying that he spent the money and gave the purse to a little negro girl, who is not named.

The woman told in detail of notes which she said Conley wrote to her, and of the proposals which she said the notes contained. He told her, she asserted, that he wanted to serve his twelve months' sentence, and then marry her. If she didn't marry him, she asserted he told her, he would go to Cincinnati and marry a white woman there.

The woman asserted that yesterday she was at Police Headquarters and

Detectives Lanford, Chewning and Stuvant took an affidavit from her.

"I knew that they were trying to protect Conley," she said, "and so I didn't tell them the truth about what he had said to me in the jail. I knew he was guilty and that Mr. Frank was not, but I knew they would want to help Conley, so I didn't tell them. I went to Mr. Jake Jacobs on Decatur street right after they talked to me and told all about it." It was Jacobs who sent the woman to the offices of Frank's attorneys, where she told her story. She signed the second affidavit a few hours after the headquarters visit.

The full text of the affidavit which she made at headquarters was not made public, but Chief Lanford said that in it the woman swore that a man friendly to Frank had told her that she would make enough to live in luxury the rest of her life if she would get Conley to confess. She failed, she swore in the affidavit made for the detectives, to get any admission from Conley, although she frequently went to his cell door and talked with him for hours. This, according to the Chief, was the substance of the affidavit.

**Heard Negro Confess to Crime.**

The Rev. C. B. Ragsdale of Kirkwood, pastor of the Plum Street Baptist Church, testified in an affidavit that on the Monday after the tragedy, April 26, 1913, he went into an alley off Madison Avenue, behind the Terminal Hotel, and saw two negroes come into the alley after he did. It was dark and they could not see him and he did not see them, he testified, but could tell from their voices that they were negroes. One of them, he said, admitted killing a girl in the pencil factory.

"I'm in trouble. I killed a little girl at the factory the other day and I want you to help me," he said he heard one say, and that the other asked:

"Who was there besides you?"

The witness said the first one answered:

"Nobody except Mr. Frank, and I'm not sure about him."

Mr. Ragsdale said he waited until the negroes left, not wishing to pass the them. Outside, he said, he met R. L. Barber, a member of his congregation, and told Barber what he had overheard. Barber answered, he said:

"That's the murder they're having so much excitement about. You'd better not say anything, or it will mean a heap of trouble." Therefore, the pastor swore, he said nothing until yesterday, when he went voluntarily to the office of counsel for the defense and made his affidavit, being unable to withhold himself from the case any longer.

R. L. Barber's affidavit set forth that he lived now in Temple, Ga., but formerly lived in Atlanta and worked here as a gas fitter and plumber. He swore he saw his pastor get off a car and enter the alley, and saw the negroes follow him after a moment.

They stayed in there about a minute, he said, and he became uneasy and

started toward the alley. As he neared it the two negroes came back out and passed him, and he recognized one of them as Jim Conley, whom he knew from having seen the negro when he (Barber) was doing some work for the Busy Bee Café in the pencil factory building. Mr. Ragsdale told him then, Barber swore, of the conversation he said he heard, and he counseled him to keep it quiet.

Affidavits signed by the attorneys for the defense followed these two affidavits, setting forth that they knew nothing of this evidence until yesterday afternoon.

Solicitor Dorsey objected to the introduction of the affidavits. There was no showing, he said, to preclude the probability that some of the innumerable agents or detectives of the defense knew of the testimony previously. It was unfair to the Court, said he, to permit this.

Judge Hill admitted the affidavits, ruling that at any time until the arguments began the defense could amend its extraordinary motion.

Attorney Rosser indignantly repudiated any insinuation that the defense would conceal anything from the Court. "We are giving everything to you as fast as we get it," said he.

Several affidavits were introduced testifying to the characters of Mr. Ragsdale and Mr. Barber.

**Saw Girl Leave Frank's Office.**

The third sensation was the testimony of Mrs. Maud Bailey, supported by the statement of her mother, Mrs. Mae Barrett.

Mrs. Bailey testified that she saw a girl, answering Mary Phagan's description, leave Frank's office on the day of the tragedy between 12:10 and 12:20 o'clock, and that Frank remained in his office. Mrs. Bailey said she was waiting near the office door for her mother, who joined her later. Frank was still in his office when they left the factory, both asserted.

The witness said that she looked in at the factory at 11:45 o'clock, going to the second floor, and saw Jim Conley as she went up. She also saw in the office, she said, Leo M. Frank, Arthur White, Mrs. White, and Frank's stenographer.

The last three, she said, left Frank's office while she continued waiting for her mother. That left her alone with Frank in the office. At 12:10 o'clock she saw a young girl come up and enter Frank's office. The girl was small in stature, she said, and was of heavy build. She was dressed in a pink or lavender dress. After two or three minutes, the girl, she said, came out and left.

Mrs. Barrett swore she tried to tell all this to Solicitor Dorsey, but she said he became angry and abused her until she was confused, and then she made an affidavit of some character almost without knowing what she swore.

The lawyers for the defense submitted the affidavit as a further amendment, with the showing that they knew

nothing of this evidence until yesterday. They submitted, also, an affidavit from Mrs. Mae Barrett, corroborating, as far as she knew them, the statements involving her in Mrs. Bailey's affidavit.

Solicitor Dorsey objected to admitting the affidavits, but Judge Hill overruled him.

"In a case like this I am going to make a rather liberal construction of the rules with reference to these affidavits," said Judge Hill.

When the affidavits had been read and the Judge allowed them to be filed as amendments to the motion, the hearing was adjourned until next Friday so that the Solicitor might have time to produce evidence in rebuttal. The defense asked the court to have Mr. Dorsey furnish copies of the affidavits, which he would then introduce, but the court refused the request, and Mr. Dorsey said he did not wish new affidavits to be placed in the defense's hands until properly introduced.

**Talk of Prosecuting Affiants.**

Solicitor Dorsey is reported to be preparing prosecutions involving several of the affidavit-makers for the defense, as well as those who had been instrumental in obtaining the statements. He would not comment to-day on the sensational developments, aside from the comment that they would bear investigation.

Detective Burns is understood to have in his possession the alleged messages that passed between Jim Conley and the negro woman, Annie Maude Carter, as well as several other specimens of the negro's handwriting. Burns visited Chief Lanford at Police Headquarters this morning, and requested that he be allowed to see the affidavit of Mrs. Nina Formby charging Leo Frank with abnormality. Burns was accompanied by an attorney. Chief Lanford for the second time refused to let Mr. Burns see the affidavit, declaring that he would not show it to the detective until after the case was over, and then come to Police Headquarters alone.

Mr. Burns said he would wait until the hearing now in progress had been concluded, and then come alone to Headquarters, although he expressed his amazement that Chief Lanford would not permit him to have any companions on his visits to the station house.

The Rev. C. B. Ragsdale, one of the new affiants for the defense, has been in Atlanta about three years.

Previous to that he was well known here, preaching frequently at the Western Heights Baptist Church. He lived in North Georgia at the time. He accepted a call to the Western Heights Baptist Church about three years ago, leaving there not long afterward to take over the pastorate of the Capitol View Baptist Church.

His present charge is the Plum Street Baptist Church, which he assumed two years ago. Mr. Ragsdale is a member of the Atlanta Baptist Ministers' Conference.