

Amazing Testimony of Conley Marks Crucial Point of Trial; Says Frank Admitted Crime

The crucial point of the entire case of the state versus Leo M. Frank, charged with the murder of little Mary Phagan, an employee in the National Pencil factory, of which he was superintendent, came Monday morning when after putting on or two witnesses back on the stand to bring out minor points, Solicitor Hugh Dorsey called out, "Bring in Jim Conley."

The state had been gradually paving the way for the testimony of the negro sweeper who declares that Frank called on him to hide the body of the dead girl and told him that "he had struck her too hard," and as the darkey's name was called out a murmur ran through the crowded courtroom and several women spectators even clasped their hands together before the sheriff's deputies could restore order.

Jim Conley came in after a short wait. Police Chief James L. Beavers had brought the negro from the station house in his automobile and the negro came slowly into the courtroom walking directly in front of the chief and with no handcuffs or other evidences of being a prisoner.

Conley on the Stand.

After the usual questions to establish his identity the solicitor asked: "Do you know Leo M. Frank?"

"Yes, sir."

"Point him out."

The negro did so, indicating with his right hand the defendant who was sitting within a few feet of him.

"Did you talk to him on Friday, April 25, of this year?"

"Yes, sir."

"Tell about it and what was said?"

"Well, about 3 o'clock that day Mr. Frank came up to where I was at work and told me to come back Saturday morning that he had work for me to do."

"How long had you been working at the factory?"

"About two years."

"Had you ever gone back before for Mr. Frank?"

"Yes, sir," replied the negro.

"Did he give you any instructions about coming back Saturday?"

"I dunno what you mean by 'instructions,'" said the witness.

"Well, did he tell you what he wanted you to do on Saturday when you came back?"

"He told me to come back there Saturday about 8 o'clock."

"Did you go?"

"Yes, sir."

"What time did you get there?"

"'Bout half past eight."

"Who got there first, you or Frank?"

"We both got there 'bout the same time."

"What was said?"

"Well, I said, 'Good mornin', Mr. Frank,' an' he said, 'Good mornin', Jim.' An' I followed him into the building right away. He then told me I was there rather earlier than he thought I'd be there and that he wanted me to watch the door for him, as I'd done lots of times before."

"Had you ever watched the door before?"

"Yes, sir."

"Why did you watch the door, what for?"

Frank Trusted Negro.

"Well, when Mr. Frank would have young ladies up dere to chat with them I'd always watch the door for him while dey wuz chattin'."

"Well, I dunno 'bout dat, but dey wuz up dere while I watched de door; dat's what I had to watch it for, so's nobody could disturb 'em while he and de ladies wuz chattin'."

"How many times had you watched the door for Frank before that day?"

"I can't remember 'actly how many times, but it was lots of times I'd done it."

"Well, tell us some particular time that you'd watched the door before."

"Well, I 'members watchin' de door on last Thanksgiving day for him; dere was a big, handsome lady up dere then and another man and another lady, too. They all stayed up in the factory while I watched de door."

"Well, go back to that day."

"Well, when Mr. Frank said I was dere too early I told him I'd go down to the Capital City laundry and see er pussion an' come back, and he said for me to be shore and be back in 40 minutes."

"Did you come back, and when did you next see Frank?"

"Well, sir, he told me to meet him on Forsyth street near Nelson street, long where Montag's is, an' I met him there."

"What time did you meet him there?"

"I dunno 'actly."

"About what time was it?"

"Well, it was about half past ten."

Meet by Appointment.

"You met Frank there, which way did he come from?"

"He came on his way to Montag's."

"Did he say anything?"

"Yes, sir."

"What was it?"

"He said, 'Ha, ha, youse here's in you,' an' I said, 'Yes, sir, Mr. Frank I's here all right.'"

"Well, what did he say then?"

"He told me to wait there for him while he went on to Montag's and he said he'd be right back."

"Did he come back?"

"Yes, sir; he come back in a few minutes and told me to come on with him and I followed him down the street, going towards the factory."

"Did you go to the factory and no where else?"

"Well, sir, we stopped in at Curtis' drug store, least Mr. Frank went 'n there a moment and I waited for him, an' then we went on down the street, me or followin' Mr. Frank and onet he looked back to say something to me an' he run into a little baby on the sidewalk and I 'members that 'cause the man what was with the baby looked at me like he thought I done it, but the white man didn't say nothing and Mr. Frank and I went on to the factory and he told me to go sit on a box near a trash pile on the first floor and I did that."

Arranges Signals.

"Then he said, 'Jim, there'll be a young lady up here to chat with me in a while an' I want you to watch the door while we are up there. I wants you to do jes like you allus do, he says, 'at when a lady goes up if I stomp my feet on the floor, you go an' I ck the front door an' then when you hear me whistle, you go an' unlock the door and get back some.'"

"Well, did you start to watching then?"

"Yes, sir; Mr. Frank, he went on upstairs and I started to watch an' bimeby Mr. Darley, he came up and went on up the steps and then Miss Mattie Smith, she come up and then came on back down and in er little while Mr. Darley, he come back and went on out right after Miss Mattie an' he patted her on the back an' I heard him say, 'Dat's all right Miss Smith, you jes wait; you'll get dat on next Saturday an' you needn't worry no more.' Dat was all I heard 'em say and de lady went on out, wiping her eyes with a handkerchief, an' Mr. Darley went back up stairs."

"Was this talking between the two

people before or after you and Mr. Frank came back to the factory from where you met him at Forsyth and Nelson streets?" asked the solicitor.

"It was after we come back," replied Conley.

"Well, what happened then?"

"Well, after de lady done left, then Mr. Darley left too."

"Well, go on, what happened next?"

"Well, a lady, she come in and went up the stairs and then a nigger come on in. He was a nigger drayman er peg-leg nigger, and he went up the stairs and I waited around er while and Mr. Darley and Mr. Holloway bof came down and left," and then Mr. Quinn come in and he went up stairs."

"How long did he stay?"

"He stayed just er little while and he come down and left."

"Who come next?"

Mary Phagan Came.

"Den de lady, she come up and went up de steps."

"What lady?" asked the solicitor.

"Do lady what's dead."

"What is her name?"

"Miss Mary—Miss Mary Perkins. I allus called her," said the negro witness.

"Well, go on."

"Well, den I hears footsteps an' thought that two people was coming from the office and going to come down de steps, but I hear de footsteps all pass the head of the steps and go back towards the back of the building, back towards the metal room, an' after a little while I heard a lady scream back there an' then everything got quiet again."

"Well, what took place next?"

"Well, dis Miss Montee Stover, she come on in an went up the steps."

"How was she dressed?"

"She had on er rain coat an' tennis shoes."

"Had you ever seen her before? Did you know her?" asked Dorsey.

"Yes, sir; I'd seen her onct or twice befo' an' I knowed who she was."

"Go on, Jim," urged the solicitor.

"Well, dis Miss Montee Stover, she come on down and everything was quiet and den I heard somebody tip-toin' from de back of the building towards the head of the stairs on the second floor, sounded lak dey wuz kinder runnin' on dey toes," he added.

"Then I heard somebody go back towards the metal room on dey tiptoes again, an' 'bout dat time I dos dozed off, an' I waked sometime later, I dunno how long 'twas, but it wuz Mr. Frank er stompin' on de floor above what waked me. I locked de door lak he done tole me to do when I heard him er stompin' an' finally he began to whistle and I unlocked de door and went back to my box and den in a few minutes I walked up dey steps."

"Did you see Frank then?"

Frank Was Scared.

"Yes, sir; I seed him. He was standin' dere in his office jes er shiverin' an' er rubbin' his hands together an' he had er cord in one han'."

"Did you look at his eyes?"

"Yes, sir."

"How did they look?"

"Dey was large and he looked funny out of them."

"How did his face look?"

"His face was all red like."

"Is this the cord you saw?" asked the solicitor, displaying a small piece of wrapping twine similar to that found tied around the dead girl's neck.

"Well, it was cord jes like dat," replied the witness.

"What was said?"

"Well, sir; Mr. Frank asked me of I'd seed er girl come up and I told him I'd seed two of 'em come up and seed one of 'em go back down, but I hadn't seed the other go down yet. 'Phon he said I never would see on of them go back down."

"He said that the little girl went to the metal department with him and he tried to be with her and when she tried to stop him he guessed he hit her too hard."

"Jim," he says to me, "You know I ain't made like other men." added the negro witness.

"Had you ever seen that he was not made like other men?" asked the solicitor.

"Yes, sir."

"When?"

"Well, on las' Thanksgiving day, for instance, I seed him with a lady up there."

The negro sweeper then went on to describe in detail what he claims to have seen in regard to Frank and his conduct with women and with girls in the factory and declared that what he was telling he had seen with his own eyes.

"Had you seen this often?" asked Mr. Dorsey.

"Yes, sir; several times."

"In this factory?"

"Yes, sir."

Finds Girl Dead.

"Well, what did Frank tell you to do when you came upstairs?"

"He told me to go on back and get the girl and bring her up there and I went back and found her lying there on her back with her hands kinder stretched out above her head and a cord tied round her neck."

With a cord furnished by the solicitor the negro showed the jury how he meant the cord was tied around the dead girl's neck.

"She was dead and when I saw that I went back to where Mr. Frank was in his office and told him that the girl was dead an' he then told me to get a piece of cloth and to her up in it and take her downstairs to the basement. He said I could get a piece of dat baggin' like dey wrap cotton in and that it was in er box on the same floor and I got it and went back to wrap her up."

"I took the young girl," the negro said, "an' pulled her hands down to her sides and closed her feet together and wrapped the sack around her, and then I got kinder scared and went back to see Mr. Frank and I looked at er clock and it was four minutes to one."

At the solicitor's order Conley then pointed out to the jury on the cross-section diagram of the building the spot where he had found the body.

"I went on and I walked up to Mr. Frank and told him that the girl was dead and he done just like this and said, 'Shh!' the negro held up one hand as persons do when they warn another to stop talking.

The negro then pointed out where he got the bagging to wrap the dead girl in.

"I then rolled the dead lady over and went on and tied her up in the sack."

"Why did you do this?" the solicitor interrupted the growlome story.

"Well, Mr. Frank, he was my boss and he tole me to," said the negro simply.

"Go ahead," replied the solicitor.

"Well, I saw her hat and a piece of ribbon lying on the floor and I layed that across her and tied her up jes like er washerwoman does clothes on dem from the white folks' house to wash 'em. I picked her up and she

was so heavy I drapped her on the floor and when she fell that scared me and I called to Mr. Frank to come help me.

"He said he would and he come running back there on his tiptoes and he was trembling awful like, but he grabbed her by the feet and helped me carry her to the elevator. We started on down and at the first floor the elevator hung up and finally we got it started again and went on down to the basement and Mr. Frank tole me to take the body on back to the far back end of the basement and put it on the sawdust pile and I did, half draggin' it, it was so heavy," he added.

Threw Body in Corner.

"I throwed her down and took off the cloth she was wrapped in and her umbrella and hat fell to one side and I picked them up and started back towards the elevator and called out to Mr. Frank to ask him what I was to do with the umbrella and hat and he said drop them right there and I flung 'em to one side."

"Coming up the elevator Mr. Frank went to get off and he was so excited he could not wait for the car to stop, but jumped off and fell an' the car door hit me er awful whack on the shoulder." Here the darkey rubbed his right shoulder and winched, as though the remembrance of the pain made it hurt again.

"And Mr. Frank, he went on back to the sink to wash his hands where he'd got them dirty when he fell and as he went he says, 'Ge! that was a trowsome job.'"

"Was his face red then?"

"Yes, sir; and his eyes was looking like diamonds."

"What happened next?"

"Well, he heard someone er coming and he made me hide in the wardrobe for fear they'd see me and he shut me up in there and I heard someone come in the office and talk to him and then they went out together and after a while, when I thought I would jes die in that close place he come back and let me out."

Here a long time and he said, 'I here a long time,' and he said, 'I reckon I did Jim, you are all sweatin', and he gave me some cigarettes out of a box and tole me I could smoke. It was against the rules to smoke ever in the factory, but he tole me to go ahead and smoke.'

"What did he do then?" asked Mr. Dorsey.

"Well, he sat dere in the chair an' squirmed about and finally he said, 'you can write, can't you Jim,' and I told him that I could that I'd written befo' him."

"He then said there was only one way for us both to get out of it and asked if I'd help him and I told him I would. He was a white man and my superintendent," explained the witness, "and I thought I ought to help him out of his trouble."

Jim Writes the Notes.

"An' he made me write some notes for him, he telling me what to write and when I had written four notes he slapped me on the back and said that was right, that was fine, and he took out a nice roll of greenbacks and handed them to me and I said, 'Mr. Frank, I'm going to take some of this money to pay for my watch,' and he said I needn't worry about that watch, that we'd both have plenty of money, and wouldn't have to worry about nothing."

"Jim," he went on, "I've got lots of money what I've saved up; that fat wife of mine wanted to buy an automobile, but I wouldn't do it, I've saved my money."

"Then he tole me he wanted me to go to the basement after a while for him and then he asked me to hand that money he'd give me back to him for a minute and I thought he wanted to count it and I handed it to him and jes kept the little money what he had given me with the cigarette box."

"Well, then he put the money in his pocket an' said that it would be all right about that and finally he jumped up and clapped his feet together and he says, 'Why should I hang? I've got wealthy folks and they'll care for me.'"

"Then he tole me to take the notes and put them near the dead lady's body and said, 'What ever you do, Jim, you keep your mouth shut,' and I promised him I would and went and put the notes by the body and then I came back and he said he wanted me to come back there in about 40 minutes, but I could go out for a while."

"Well, what did you do then?" asked Mr. Dorsey.

"I went to a near-beer saloon and bought a 'double-header' and some sandwiches and cooled around in the place for a while and then I looked at a clock and it was twenty minutes to two and I came out with a nigger and he made me lend him a dime."

Jim Goes Home.

"After a while I decided I would go on out home and give the old lady some money to pay the rent with before I went back to the factory and I got there and found no dinner ready for me and I give a nigger child a quarter and says, 'here, you kid, you run up to dat store and buy me some sandwiches,' and when I got dem I ate 'em and went to sleep and when I woke up it was about 6 o'clock."

"Did you see Frank again that day?" asked Mr. Dorsey.

"No."

"No sir, next time I seed him was on er Tuesday following when I saw him at the factory and he came up and tole me to keep my mouth shut, and then he said for me to come back to the office after a while that he wanted to see me, and I thought he was intending to give me back that money."

"Then I worked around during the day and finally one of the ladies tole me that Mr. Frank had been 'rested.'"

Mr. Dorsey then had the negro identify the dead girl's parol.

"Did Mr. Frank know you could write?" the solicitor then asked.

"Yes, sir, he knowed I could write."

"How did he know?"

"Well, when I'd be cleaning up I'd have to count the boxes lying around and write down the number of them on a piece of paper, and Mr. Frank tole me to do that and furnished the paper for me."

"When were you first arrested, Jim?"

"I was arrested on May 1."

"Look at these tablets and notes and see if the notes are the ones you wrote at Mr. Frank's dictation," said the solicitor.

"Dem's the ones," said Conley.

"Where did you get them?"

"That young man right over there, he give them to me, he knows all about it," said Conley, pointing to where Frank sat watching him closely.

"What did he tell you to write?" asked Mr. Dorsey.

"Jes what's on those notes there. I wrote jes lak he said."

Indicates Movements on Diagram.

Solicitor Dorsey then had Conley point out on the diagram his movements in the factory that day. The negro used the cross section drawing of the building and seemed to have much less trouble understanding it than Nowt Lee had experienced.

He pointed out first the furnace where he said Frank had intended to burn the girl's body, and thus destroy every evidence of the crime.

"I was to help do that when I came back in the forty minutes Mr. Frank had allowed me," he said, "but

I didn't come back no more."

"Could you have put the body in the furnace?" asked Mr. Dorsey.

"I don't know; I didn't try it," replied Conley.

"Do you know anything about the back door?"

"No sir, not a thing."

"Do you know what became of the notes you wrote?"

"No sir, I didn't hear anything more about them till I was in prison down at the police station."

"What time did you leave home that morning, Jim?" Mr. Dorsey then asked.

"'Bout 7 or half past," said the negro.

"Who left the factory first after you had put the body in the basement, you or Frank?"

"I left first, and Mr. Frank, he was standing there watching me like he was afraid I wouldn't go straight out."

Doesn't Remember Woman's Name.

"Do you know the name of the woman who was there on Thanksgiving day?"

"No sir, I don't. There was two ladies and another man."

"What was the man's name?"

"His name was Mr. Dawson."

"Who was it who came into the office that Saturday when Frank had you locked up in the wardrobe?"

"I don't know, sir."

Conley was then made to point on the cross section the place where he had sat on a box and watched the door.

"What sort of work had you done around the factory, Jim?"

"I worked on the elevator until last Christmas and then they took me off and put me to cleaning up the building."

"Do you know Mrs. Arthur White?"

"No sir."

Mr. Dorsey then requested a deputy to bring Mrs. White in.

"How did you find out that the girl was dead?" he continued while waiting for the woman to appear.

"When Mr. Frank sent me back there I touched her and found out she was dead and I went and tole him so."

Mrs. White entered the courtroom at this moment and was led to a spot facing the negro on the stand.

"Did you see this lady that day?" asked the solicitor.

"No, sir, I never seed her."

The solicitor then requested that the defense allow him to put Mrs. White on the stand for a few moments, but Attorney Rosser flatly refused. Mrs. White was then asked to leave the courtroom and the examination went on.

"What did the lady look like that you saw in Frank's office last Thanksgiving day?" Solicitor Dorsey asked.

Describes Woman With Frank.

"She was a big, handsome woman, wearing a big hat and she had on white shoes and stockings," said Conley.

"Tell about other times you watched for Frank," said Dorsey.

"Well, I watched for him lots of times and sometimes he'd let another man and woman come in and that man and woman would usually go down to the basement."

"Tell us about that contract you made for a watch," said the solicitor.

Attorney Rosser immediately entered an objection, declaring that the negro's contract, if there was one, about a watch had nothing to do with the case.

He gave Mr. Dorsey the chance to bring before the jury one of the strongest pieces of circumstantial evidence he had yet sprung, and in explaining to the judge before the jury his reasons for holding this part of the testimony the solicitor played one of his strong cards.

"I want to show by this contract and by the testimony that Frank advised the negro about it and saw him sign it," said the solicitor, "that Frank knew that Conley could write, and yet that when Frank and Leo and Conley were locked up as suspects and detectives were making Frank and Leo write so as to compare their penmanship with that of the murder notes, that Frank kept silent about knowing Conley could write."

Judge Roan allowed the testimony to be used and Conley was made to tell of some trouble he had got into over the purchase of a watch on the installment plan and of how Frank had advised him in regard to it and been present when he signed a final contract in regard to the watch.

Rosser and Arnold Confer.

At this juncture Attorneys Rosser and Reuben Arnold, for Frank, halted proceedings while they went into an ante-room for a conference. In the interim the solicitor had a bailiff bring the negro witness a glass of water, which he drank with every evidence of being thirsty.

The attorneys for the defense then returned and Mr. Dorsey again took up his examination.

"How old are you, Jim?" asked the solicitor.

"I'm 27, sir."

"Where did you work before you went to the pencil factory?"

"I worked for Dr. Palmer."

"What made you quit there?"

"Well, I was driving for Dr. Palmer and he bought an automobile and he was a colored doctor and didn't know how to run it and I didn't know, and so I had to quit so's he could get somebody what could run that thing for him."

Cross-Examination Begun.

Then at the solicitor's request he tole of several other people and firms for which he had worked previous to getting a job at the pencil factory.

"That's all," the solicitor said finally, and turned his witness over to the tender mercies of the defense.

The negro was apparently as composed as anybody in the courtroom when he finished telling his story and he sat in the chair for a few minutes seemingly at ease while the defense made ready to go after him.

When Attorney Rosser finally rose to his feet and took a few steps forward Conley was still entirely at ease, but the spectators could see that the man who felt nervous was the solicitor. So much depended on Conley's actions during what the solicitor knew was coming that he could not help show what he felt.

Mr. Rosser got up naturally and faced the darkey. He wore a pleasant and agreeable expression.

"Jim," he said, "how old are you?"

"Twenty-seven, boss," said Jim, and he seemed from the first question to warm up to the man who had started to talk to him.

"Where were you born, Jim?"

"In Atlanta, Ga."

"When did you get your first job, Jim?"

"'Bout 'leven years ago, sir."

"How old were you then?"

"'Bout 'leven, I said, sir."

"I thought you said about eleven years ago you got a job; you must have misunderstood me," said Mr. Rosser, and in the kindest of tones he straightened things out until the witness established the fact that it was about sixteen years ago when he was eleven years old that he first got a job.

Conley Beams on Rosser.

Jim seemed to appreciate the ef-

forts of the white man to get him straightened out after he had misunderstood him and the negro, who was rather a kindly face and the soft voice of the southern darkey, fairly beamed upon his questioner.

When lawyers in the courtroom saw what was coming, they realized that Mr. Rosser was reaching out for Jim like a small boy does for a dog he wants to get his hands on when the dog is rather shy and refuses to let himself be approached.

Like the boy who stoops down and chirps at the dog and shows friendship on his face, the shrewd lawyer conspired to get his hands on the witness. For the next half hour or more he carried out the metaphor of the boy and the shy dog.

Mr. Rosser and Jim Conley then went through a more or less connected story of Jim's early life, his school days and what he had learned in that rather short period of his life. Jim even tole of how, like most boys, he did not care for his studies and never got so he could read much, but learned to count pretty well in later life when he worked as a drayman.

Here and there the lawyer corrected in a kindly tone certain discrepancies in the darkey's tale and helped him set it straightened out. To the casual observer Attorney Rosser had only the kindest intentions toward Jim, but was possessed with a desire that amounted to an obsession in regard to Jim's store of learning and the men for whom he had worked.

Rosser Pays With Words.

They took up again the subject of Jim's ability to read.

"Can you read the papers, Jim?" Mr. Rosser finally asked.

"Yes, sir," replied Jim proudly. "I kin read 'em, only not much. I jes reads dis and dat in 'em."

"Oh, you jes reads dis an' dat," Mr. Rosser had dropped into the negro talk that all southerners know and that many of them use as children and never seem to forget.

"You jus' look through the papers, Jim, till you nd 'dis an' dat,' and you read 'dis' and 'dat' and then you don't read anything else," he said, as though a great understanding of the importance of "dis an' dat" had just dawned upon him.

The lawyer went on making a play upon the words "dis" and "dat," which passed entirely over the negro's head, but which almost convulsed the courtroom with laughter.

"You said you used to work for Mr. Conates, Jim," said Mr. Rosser. "Can you spell 'Conates'?"

"No, sir; I can't spell that word."

"Can you spell 'search'?"

"No, sir, can't spell dat."

Then the lawyer named over a score or more of easy words, some of the simplest of which Jim proudly announced he could spell, and some of

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AMAZING TESTIMONY OF CONLEY MARKS TRIAL

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which Jim proved that he could spell.

Spells "Cat" with a "K."

"Can you spell 'cat,' Jim?"

"Yes, sir, I can spell dat word, sho'," Jim replied.

"You spell it with a 'K,' don't you," said the lawyer encouragingly.

"Yes, sir, with a 'K,'" Jim replied, and forthwith spelled it with a "K."

"Why sure you do," said Mr. Rosser. "Jim, you and I understand each other thoroughly, don't we?"

Jim face's showed that he could not see what in the world a great big white man with the knowledge of Luther Rosser could want to take up the time in court to go into a spelling bee with him for, but he replied with his face beaming. "Yes, sir, we sho' does, sir."

Then followed more words for Jim to spell. The white man and the darkey had reached a perfect understanding, such as a white man and a negro have when they are raised together on the same big plantation.

What he could spell, Jim spelled, and what he could not he simply acknowledged he could not. Jim spelled "papa," but he could not spell "mother," and Mr. Rosser took his word for a number of other words he asked him about, and only when Jim desired to prove beyond doubt did he even have to spell the word out.

Then Jim's education in mathematics was taken up and gone over in the same detailed and kindly way. Jim did not know what was meant by the word "figuring," but he did know what counting meant, and showed proudly that he could count just as far as Mr. Rosser would let him go, and he could add, too. Jim proudly added small sums, and all the time his face beamed and pride showed. The man who was exhibiting his knowledge for him took pains, as Jim knew, not to give him much that was hard, and Jim was making a splendid impression with his knowledge.

Then the lawyer started out on his real work, but so deftly that no one realized it at the time.

"Jim," he began, "who did you work for first, and how long did you work there?"

"I worked for Mr. Trull, of Ward & Trull, for about a year," said Jim. "How long did you work for the next man?"

"About five years," replied Jim. The general interrogation had just led up naturally from Jim's school days to his life as a working man, and the same tones were used and the same perfect understanding prevailed.

"You say you went to school only about a year in all?"

"Yes, sir."

Given Job by Schiff.

"Well, Jim, who gave you the job at the pencil factory?"

"Mr. Schiff," replied Jim.

"Did Mr. Frank ever pay you off?"

"Yes, sir, sometimes."

"Tell me about how many times he paid you off."

"Well, I don't know 'actly; sometimes I let the other fellows draw my money."

"You," said the lawyer, "you'd sometimes get into debt and let other fellows draw your money so you could escape the men you owed?"

"No, sir, I didn't want to get out of paying; I'd let the men I owed draw my money because I wanted them to have it."

"What was your pay a week?"

"\$1.05," replied Jim.

Jim then said he did not want to tell at first what he got, as it was so small he was ashamed of it, and was afraid that other niggers would hear about it.

Mr. Dorsey protested at this juncture that all this was entirely immaterial, but Mr. Rosser declared to the court that it was, that he wanted to show certain facts about the negro and that he would show it later. Judge Roan sustained him.

Attorney Rosser then drew out of Jim the statement that when he owed a negro boy something like 15 cents he would take the boy into a near beer saloon and buy him three glasses of beer and settle the debt that way.

Never Saw Nightwatchman.

"Jim," said Mr. Rosser then, "what time did the nightwatchman come to work on Saturdays?"

"I don't know, sir."

"Have you ever seen the night-watchman?"

"No, sir."

"Did you ever see the white watchman in the day?"

"Yes, sir."

"Ever see the colored watchman at all?"

"Yes, I've seen the negro they said was the watchman."

"Did you know old man Newt Lee?"

"No, sir."

"What time did they pay off on Saturday?"

"About 12 o'clock."

Admits Watching Frank.

"You say you have watched for Mr. Frank?"

"Yes, sir."

Mr. Rosser was getting into his real line of questions now, but still there was no apparent change in his attitude toward the witness.

"When was the first time you ever did that?"

"Sometime last July."

"What did Mr. Frank say at that time?"

"He just come out and called me into his office and said what he wanted me to do."

"How did they pay you?"

"Eleven cents an hour."

"Was it your duty to punch the clock?"

"Yes, but sometimes I didn't."

"If it wasn't punched every time how could they know how to pay you?"

"If it wasn't punched every time Mr. Holloway would see me and set things straight so I could get my money."

"The first time Frank talked with you was a lady with him?"

"Yes, Miss Daisy Hopkins."

"What did he say?"

"He said, 'Jim, see that lady there?' and when I said I did, he said, 'Go on down and watch the door.'"

"Was Miss Hopkins present?"

"Yes, sir, she was there."

"Who else was there?"

"A man named Mr. Dawson."

"How long did this lady and man stay in Mr. Frank's office?"

"'Bout fifteen minutes," replied Jim.

"How long before Mr. Frank came down?"

Couple In Basement.

"It was about an hour before he came down, but the girl and man had come on down, and on his instructions I had opened the trap door and let the girl and man into the basement."

"What time was it when they came up?"

"It was after a while."

"What did they do when they came up?"

"The lady went on upstairs and a little while later Mr. Frank and her come down."

"What happened next Saturday, two weeks later, Jim?"

"Well, I was in the rear of the fourth floor and Mr. Frank came to me and said, 'remember what you did last Saturday, Jim,' and I said I did and he said he wanted to put me wise to this Saturday. Miss Daisy Hopkins went into his office and Mr. Frank signalled with his fingers and I went down and locked the front door and watched for them."

"What next?"

"I stood on the steps and heard them go into Mr. Frank's office."

"How long did you stay?"

Given Money by Frank.

"I stayed about half an hour, then the lady come on down and went out, and Mr. Frank gave me a half dollar."

"About the next time?" urged the lawyer. He was apparently helping Jim Conley to tell all the damaging evidence he knew on the man whom he accuses of the horrible crime.

"Well, I can't remember the exact time; it must have been about the middle of August."

"What time of day?"

"Well, it was about the time Mr. Frank came back from dinner. I was standing near the door and he came up and said he wanted to put me wise again for that day."

"What did he mean when he said, 'Put you wise?'"

"Well, he had said that on the other times he wanted me to watch for him," replied the negro.

Women Waited for Frank.

Conley then told of a woman waiting on the fourth floor who had gone up to Frank's office. Asked what sort of hair she had, he said it looked like Mr. Harper's. Mr. Harper referred to has gray hair and this statement caused a great deal of amusement.

He also told of a woman dressed in green who had visited Frank.

"Did you inquire who she was?" he was asked.

"No, sir, I did not."

"Did she speak to you?"

"No, she didn't know me."

"Did you run the elevator?"

"Yes, sir, sometimes."

"Didn't you then come in contact with everybody in the factory?"

"No, sir, I didn't have to go all over the floors."

"What did Mr. Frank tell you?"

"He said for me not to let Mr. Darley and Mr. Schiff know about it."

What Occurred Thanksgiving.

"The next time was Thanksgiving, wasn't it?"

"Yes, sir."

"What were his words then?"

"He said, 'How're you feeling,' and sent me to the first floor."

"What time was that?"

"About half-past eight."

"What time did the woman come?"

"About half an hour later."

"Did you know her?"

"No, she didn't work at the factory."

"Ever seen her before?"

"Yes, I think so. I think I saw her one night in Mr. Frank's office."

"Why were you there?"

"I had some boxes to pack."

"Where were you when she arrived on Thanksgiving day?"

"On the first floor."

"What did you do?"

Had Code of Signals.

"I closed the door when Mr. Frank stomped on the floor."

"How long did you stand by the door?"

"I didn't stand by the door; I went and sat on a box for an hour or more."

"When Frank stamped what did you do?"

"I kicked the elevator, so he would know I heard him and everything was all right."

"Did Frank come down then?"

"Yes, he came down and unlocked the door and went out and looked around, and then came back and went to the stairway and called for her to come down. She came on down and saw me and asked if I was the nigger he'd talked of and he said yes, and he says, 'That's the best nigger in the world,' and she asked if I talked much, and Mr. Frank said I didn't talk at all."

"When was the next time?"

"Way after Christmas, some time in

January."

"How do you know?"

"Well, it was after New Year's."

"What did he say?"

Five Girls and a Man.

"I can't remember, but one thing he said, and that was that a young man and two ladies was coming, and that I could make a piece of money off them."

"What time was that?"

"About half past seven."

"Did anybody hear you?"

"Gordon Bailey did."

"What did you do?"

"I went and stood by the door; it was open."

"Did they come right in?"

"No, sir, the gentleman, he came on in and the ladies stood back, and then when he had talked to me he went back to them and they came on in with him."

"How long did you stay that time?"

"It seemed like two hours," replied the witness.

"Did you know either of the women?"

"No, sir."

"Describe how they looked."

"I disremembers how they looked," said Conley.

"How about the man?"

"He was tall and slender."

"Ever see him again?"

"I saw him talking to Mr. Holloway several times."

"You say you don't know him?"

"No, sir, I don't know him."

"Had you ever seen the girls before?"

"No, sir."

At this point Judge Roan ordered an adjournment for lunch.