

The detectives learned about the middle of May that Conley could write, although at first he denied it. He made one statement and three affidavits, which are more fully referred to in stating the defendant's case. The affidavits were introduced by the defendant under notice to produce.

By these affidavits, there was admitted the substance of the evidence that he delivered on the stand, which in brief was as follows:

Conley claimed that he was asked by Frank to come to the factory on Saturday and watch for him, as he previously had done, which he explained meant that Frank expected to meet some woman, and when Frank stamped his foot, Conley was to lock the door leading into the factory, and when he whistled, he was to open it.

Conley occupied a dark place to the side of the elevator behind some boxes, where he would be invisible.

Conley mentioned several people, including male and female employees, who went up the steps to the second floor where Frank's office was located. He said that Mary Phagan went up the stairs and he heard, in a few minutes, footsteps going back to the metal room, which is from 150 to 200 feet from the office. He heard a scream and then he dozed off. In a few minutes, Frank stamped, and then Conley locked the door, and then Frank whistled, at which time Conley unlocked the door and went up the steps. Frank was shivering and trembling and told Conley, 'I wanted to be with the little girl, and she refused me, and I struck her, and I guess I struck her too hard, and she fell and hit her head against something, and I do not know how bad she got hurt. Of course, you know I ain't built like other men.'