

CONLEY WILL BE TRIED DURING JANUARY TERM

Negro Factory Sweeper Ap- pears in Court in Order to Have the Time Set.

Jim Conley, the negro factory sweep-
er who was a witness against Leo
Frank in his trial for the murder of
Mary Phagan, will be tried during the
January term of the criminal court of
Fulton county.

This was made possible Tuesday
when Conley, ready for trial, appeared
before Judge Ben Hill, of the superior
court, and, through his attorney, de-
manded trial.

Conley was brought into court from
the prisoners' bullpen, looking smug
and all smiles. So soon as court was
officially opened, Solicitor General Dor-
sey called the court's attention to the
fact that the negro had appeared in
court once before for trial.

Judge Hill then said:

"I know that the negro is ready for
such trial as shall be given him, but
the court is not. I do not believe—"

At this point Attorney William Smith,
the negro's legal advisor, arose and
filed formal demand for trial.

"Just a minute, Mr. Smith," said the
court. "I appreciate that, your formal
demand takes the matter of this man's
trial out of my hands, but I am still
of the opinion that the trial should go
over until the Frank retrial motion,
now before the supreme court, has been
disposed of."

Attorney Smith declared that he did
not wish to force the negro's trial on
the court, but that, in justice to his
client, he had filed motion for trial so
that his client would know where he
stood.

Conley will be tried at the next reg-
ular session of Judge Hill's court, which
opens on January 1.

The case will resolve itself into a
legal argument between Attorney Smith
and Solicitor General Dorsey when the
case appears for trial, as the negro,
through the formal demand filed Tues-
day, waives right of jury and stands
ready to plead to the two indictments
hanging over his head. It will remain
with the court whether the negro shall
be sentenced for a misdemeanor or a
felony.