

case and I know the conscience that abides in the breast of honest, courageous men.

Now, the book says that if a man has good character, nevertheless it will not hinder conviction, if the guilt of the defendant is plainly proved to the satisfaction of the jury—as it was in the Durant case, and I submit that, character or no character, this evidence demands a conviction. And I'm not asking you for it either because of prejudice—I'm coming to the perjury after a bit. Have I so forgotten myself that I would ask you to convict that man if the evidence demanded that Jim Conley's neck be broken?

Now, Mr. Arnold said yesterday, and I noticed it, though it wasn't in evidence, that Jim Conley wasn't indicted. No, he will never be, for this crime, because there is no evidence—he's an accessory after the fact, according to his own admission, and he's guilty of that and nothing more. And I'm here to tell you that, unless there's some other evidence besides that which has been shown here or heretofore, you've got to get you another Solicitor General before I'll ask any jury to hang him, lousy negro though he may be; and if that be treason, make the most of it. I have got my own conscience to keep, and I wouldn't rest quite so well to feel that I had been instrumental in putting a rope around the neck of Jim Conley for a crime that Leo M. Frank committed. You'll do it, too.

I want you to bear in mind, now, we haven't touched the body of this case, we have been just clearing up the underbrush—we'll get to the big timber after awhile. "Where character is put in issue"—and the State can't do it, it rests with him—"Where character is put in issue, the direct examination must relate to the general reputation, good or bad;" that is, whoever puts character in issue, can ask the question with reference to the general reputation, good or bad, as the case may be, "but on cross-examination particular transactions or statements of single individuals may be brought into the inquiry in testing the extent and foundation of the witnesses' knowledge, and the correctness of his testimony on direct examination."