"When the witness Conley was brought to the jail Mr. Roberts came to the cell and wanted Frank to see Conley. I sent word through Mr. Roberts that Frank didn't care to see him. Mr. Frank knew that the detectives were down there and afterwards they brought Conley up there and of course Mr. Frank knew he was there. I knew and Mr. Frank knew he was there. Mr. Frank was at once side and I acted as spokesman. Mr. Frank would not see any of the city detectives. Frank gave as his reason for refusing to see Conley with the detectives that he would see him only with the consent of Mr. Rosser, his attorney. I do not know whether Mr. Frank sent and got Mr. Rooser or not. I told the detectives about sanding and getting Mr. Rosser's consent. I think Mr. Goldstein was there and Scott and Black and a half dozen detectives, a whole bunch of them. I was there only once when Conley was there, that was the time when Conley sworn he wrote the notes on Friday. When Conley came up there with the detectives, Frank's manner, bearing and deportment were natural. He considered Conley in the same light he considered any other of the city detectives. I know that because I conferred with him about it and he said he would not see any of the City detectives without the consent of Mr. Rosser; he considered Scott as working for the City at that time. I sent word that he would not receive any of the city detectives, Black or anyone of the rest of them. Frank considered Scott with the rest of them, including him with the city detectives. He would not see anyone of the city detectives and that included Scott. Frank did not tell me, that the inference was mine. Frank merely said he would receive none of the city detectives without Mr. Rosser's consent, that was the substance of his conversation. Mr. Roberts came up and announced the city detectives; this was at Frank's cell in the county jail.

The court permitted this testimony to go to the jury over the objections made as above stated, and in doing so committed

This was especially prejudicial to the defendant, because the solicitor, in his argument to the jury stressed and urged upon the jury that this failure of the defendant to, as he expressed it, face this negro Conley and the detectives, even in the