

## FRANK CASE DAMAGE SUIT.

Mother Asks \$10,000 from Pencil Company for Mary Phagan's Death.

*Special to The New York Times.*

ATLANTA, Ga., Jan. 20.—Mary Phagan's mother, Mrs. J. W. Coleman, filed a damage suit today against the National Pencil Company, asking \$10,000 for the death of her daughter on the premises of the company. The suit contains two counts. One names Leo M. Frank as the slayer of Mary Phagan. The other names the negro, "Jim" Conley. Both being employes, the company is the defendant in either case, as the suit seeks to fix on it the responsibility for the safety of its employes while on the premises on the business of the company.

When Miss Lillian Schuzel, the girl detective from Grand Rapids, Mich., questioned Conley at the court house yesterday, taxing Conley with killing Mary Phagan, the negro refused to answer her questions and she asked why.

"Because it looks like a frame-up, lady," Conley replied.

"Would you like to see Mr. Frank hang?" the Rev. J. E. White asked.

"That's his business and God Almighty's," the negro answered. "I don't want to do any more talking than I can

help. I've already answered enough questions."

Conley will be used tomorrow as a State witness in the trial of C. C. Tedder and others connected with the Frank defense who have been indicted for subornation of perjury. Dan C. Lehon of the Burns Agency is one of those indicted.

Gov. Slaton continues to receive a flow of letters and telegrams protesting against the Frank verdict and demanding clemency. The communications come from every quarter of the United States. It is estimated that Gov. Slaton had received more than 15,000 letters and telegrams about the case.

Confirming a tentative arrangement, counsel for Frank and the State announced today that the Supreme Court would be asked to hear Frank's appeal in his habeas corpus proceeding during the week of Feb. 22.