

FINAL FRANK PLEA IS NOT OPPOSED

Prison Board, After One-Day Hearing, Takes Clemency Petition Under Advisement.

ROAN LETTER ASKS MERCY

Trial Judge, Now Dead, Wrote He Doubted Frank's Guilt—Testifies Through Brother.

MRS. FRANK FINALLY HEARD

Nothing Guilty in Husband's Acts—Chicago, Boston, and Many Georgia Delegations Speak.

Special to The New York Times.

ATLANTA, Ga., May 31.—The hearing on the petition of Leo M. Frank for a commutation of sentence from death to life imprisonment was begun before the State Prison Commission this morning at 10 o'clock and was concluded this afternoon shortly before 5. The Commission took the case under advisement. It is not expected that the Commissioners' recommendation will be made to the Governor within less than a week. Frank himself was not present at the hearing.

Ex-Congressman W. M. Howard, who conducted the case before the commission, made an argument concluding the plea that lasted less than thirty minutes. It dealt largely with the powers of the commission and stressed the fact that the board was not asked to interfere with the process of law, but simply to change a sentence from death to life imprisonment, a right which the jury itself might have exercised by recommendation.

When Mr. Howard announced that the petitioner had finished, Chairman Davidson inquired if any one wished to appear in opposition to commutation. After waiting a few minutes and getting no response, the hearing was declared closed.

The outstanding feature of the hearing was the fact that, though dead, Judge L. S. Roan, who presided at the trial of Frank for the murder of Mary Phagan, spoke before the commission for the life of the man he sentenced to death.

His plea was in the form of a letter written some time before his death to the attorneys who represented Frank at his trial.

"This," said Mr. Howard, the spokesman of Frank's counsel, "is the most precious document in the entire case. It is in reality a voice from the tomb, a plea of life for Leo M. Frank."

Photographic copies of the letter were submitted to members of the commission, the lawyers for Frank retaining possession of the original.

"This letter, meaning as it does, a lease of life for the condemned man, could not be restored," explained Mr. Howard. "We will hold it for inspection at any time."

The letter was written from Berkshire Hills Sanitarium, at North Adams, Mass., where Judge Roan went for treatment at the time of what proved to be his last illness. It was addressed to Rosser & Brandon and R. R. Arnold, Frank lawyers at the trial, and was as follows:

Judge Roan's Plea for Frank.

North Adams, Mass., Dec. 7, 1914.

Rosser & Brandon and R. R. Arnold, Attorneys for Leo M. Frank:

Gentlemen: After considering your communication asking that I recommend clemency in the punishment of Leo M. Frank, I wish to say that at the proper time I shall ask the Prison Commission to recommend and the Governor to commute Frank's sentence to life imprisonment. This, however, I will not do until the defendant's application shall have been filed and the Governor and the Prison Commission shall have had opportunity to study the record of the case.

It is possible that I showed undue deference to the opinion of the jury in this case, when I allowed their verdict to stand. They said by their verdict that they had found the truth. I was still in a state of uncertainty, and so expressed myself. My search for the truth, though diligent and earnest, had not been so successful. In the exercise of judicial discretion, restricted and limited, according to my interpretation of the decisions of the reviewing court, I allowed the jury's verdict to remain undisturbed. I had no way of knowing it was erroneous.

After many months of continued deliberation I am still uncertain of Frank's guilt. This state of uncertainty is largely due to the character of the negro, Conley's, testimony, by which the verdict was evidently reached.

Therefore I consider this a case in which the Chief Magistrate of the State should exert every effort in ascertaining the truth. The execution of any person whose guilt has not been satisfactorily proved to the constituted authorities is too horrible to contemplate. I do not believe that a person should meet with the extreme penalty of the law until the court, jury, and Governor shall all have been satisfied of that person's guilt. Hence, at the proper time, I shall express and engage upon these views directly to the Governor and the Prison Commission.

However, if for any cause I am prevented from doing this, you are at liberty to use this letter at the hearing. Yours truly, L. S. ROAN.

The letter made a profound impression and was generally accepted as having greatly strengthened Frank's chances for commutation.

From Judge Roan's Brother.

In addition to the letter from the late Judge Roan, this communication was presented from J. T. Roan, Judge Roan's brother:

Jesup, Ga., May 29, 1915.

His Excellency the Governor of Georgia and the Prison Board, Atlanta, Ga.

Gentlemen—In the matter of the application of Leo M. Frank for executive clemency: In the exercise of my prerogative as a citizen of Georgia, I appeal to your Excellency and to the Prison Board to extend executive clemency to Leo M. Frank, now under sentence of death.

Judge L. S. Roan, who presided at the trial of Frank, was my brother, and during March, 1914, visited me in my home at St. Petersburg, Fla., where I was then living. He discussed the case and the trial with me, and my request for executive clemency is based upon the impressions I received from him during our conversation.

I will not undertake to quote his words, but the following are a few of the impressions which were made upon me by his conversation:

The impression conveyed was that of a spirit of violence permeated the whole atmosphere of Atlanta and even entered the court room and manifested itself in various ways, and that it was totally beyond the power of any man to stop or stem its spirit.

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I received from him that Frank had accounted for every moment of his time on the day of the murder, except a few minutes, and that in the morning and afternoon, Frank kept a very intricate set of books in perfect shape, and he could not conceive that a man of Frank's disposition could have done this had he committed the crime.

I got the further impression from him that Conley was there all morning and was drinking, and that as the little girl came downstairs the negro could have killed her and hidden her body, and further, that the crime, taken as a whole, did not impress him as being a white man's crime, but more likely the crime of a negro.

He further left the impression upon me that the statement which he made at the time the motion for a new trial was refused did not explain fully his feelings on the subject, but that, since the jury had passed upon the evidence, it was not his duty to do so; but that the evidence itself, taken as a whole, left a grave doubt in his mind as to Frank's guilt; and that, in passing upon the motion for a new trial, he only considered the errors of law, and did not pass upon the evidence, but that he was very sure that the Supreme Court would grant Frank a new trial, and that this would be better for Frank than for him to do it.

He also made the impression upon me that the case rested upon circumstantial evidence furnished by a negro by the name of Jim Conley, and that Conley had made four different statements, all very different from each other, any of which the jury could have believed.

Taking my brother's conversation as a whole, I am sure that he must have entertained grave doubts as to Frank's guilt.

My own personal belief, taking all the circumstances surrounding the case, as I learned them from my brother and others, is that it would be a calamity to the honor and dignity of the State of Georgia to hang Frank, and in my opinion it would be a blot from which the State and all law-abiding citizens would suffer immeasurably.

For these reasons I sincerely trust that the Prison Board will recommend and that the Governor will commute the death sentence imposed upon Leo M. Frank. Respectfully submitted, J. T. ROAN.

A feature of the hearing that also aroused deep interest was the reading of a statement from Mrs. Leo M. Frank, who, under the law, was debarred from testifying at the trial of her husband. Mrs. Frank's statement follows:

Mrs. Frank's Statement.

Mr. Frank first came to Atlanta on Aug. 6, 1908. About Aug. 8 he took up his residence at 93 East Georgia Avenue, at the home of my aunt, Mrs. J. Selig. At this time I lived with my parents at 48 East Georgia Avenue.

I met Mr. Frank for the first time about a week after he arrived in Atlanta. In May, 1909, we became engaged to be married and we were married on Nov. 30, 1910.

I am a Georgia girl, having been born and reared in Atlanta, and have lived in Atlanta all of my life. My mother was born in Dalton, Ga., and has lived all her life in Georgia. All of the relations of my generation, boys and girls, were born in Georgia, and from my association with them I was accustomed to the deference and courteous treatment which is characteristic of the Southern gentleman and Georgia in particular.

With the ideals which I had and which had been inculcated in me from girlhood, I expected in my husband nothing less than that to which I had been accustomed, and to which any woman looks forward, and which I fully realized in my husband. When not occupied with his business the only time he spent away from me was when he was occupied in his charitable work, which took him away from home about once or twice a month.

Our married life has been exceedingly happy and has never been marred by the slightest cloud. He was regarded and loved by my parents as a son and was always courteous, gentle, and most respectful in his relations with them, and our families have always been on intimate terms.

When my husband was first arrested on this charge and was detained at Police Headquarters, on Tuesday, April 29, 1913, I hurried to the Police Barracks, on Decatur Street, as soon as I heard of it, accompanied by my father and brother-in-law. I was not allowed to go up to see my husband, and remained in the office of the probation officer, from whence my friends prevailed on me to return home. Being assured that my husband would be released at any moment, I remained at home, but as soon as it became apparent that he

would be detained indefinitely I went to him immediately, and I have been going to him every day since, and spend most of the day with him in jail.

On the 26th of April, 1913, my mother and I had tickets for a matinee to grand opera, and in order to get there on time we sat down to table at 1:10, before my husband came home to dinner; and at about 1:15 father came in, and in about five minutes my husband came in and sat down at dinner with us. About 1:30 mother and I left the house and my mother and my father were left at the table eating.

Returning home from the opera at 6:30, I found my husband already there. There was nothing unusual in his manner or appearance to attract my attention. That evening after supper a number of friends of my mother and father came over to the house to play cards. My husband and I did not play, but he sat in the hall reading. I watched the game for a while in the dining room and then would go into the hall and talk to my husband, and would then go back again to watch the game.

My husband read in the hall until some time after 10 o'clock when he went upstairs to take a bath. I followed him a few minutes later, and we retired about 10:30 o'clock. We were awakened about 6:45 by the telephone ringing. My husband got out of bed, put on his bathrobe and went down to answer the telephone. When he came back again I asked him who it was, and he said that some detective had telephoned him to come right down to the factory, that there had been a tragedy and that he was to bring away an automobile for him.

My husband began to dress right away, and while he was dressing the front door bell rang, and I slipped on a bathrobe and went downstairs to answer the door. When I opened the door, Boots Rogers and John Black were there. Of course, at that time I did not know who they were. I asked them what was the matter, and they said some one had been killed in the factory, and they then told me what they knew about it.

After a minute or two my husband came down and joined us at the front door. The man who had killed Mary Phagan, and he told them he did not. They then asked if a little girl had not come to the office to get her money the preceding day, and he said that he did remember such a girl, but that he did not know her name. They then said they wanted him to come with them right away to the factory. I wanted them to let him have his breakfast, but they refused. I then asked if they would not let him have at least a cup of coffee, but they refused that also. It was I, and not he, that asked for the coffee.

As to the affidavit reputed to have been made by Mineola McKnight on June 3, 1913, the statement that I and they told my mother that my husband did not rest good that night, that he was drunk and that he made me sleep on the floor, and all the rest of it is absolutely false in every particular. No such thing ever occurred at that time or at any other time, and I never made such a statement to anybody. That whole story is false from beginning to end.

Opening of the Hearing.

The hearing was begun at 10 o'clock. All three members of the Commission, R. E. Davison, Judge T. E. Patterson and E. L. Rainey, were present. Before the hearing was opened Mrs. Leo M. Frank entered the chamber, accompanied by several friends; they took seats near the front. The chamber, which has a seating capacity of about 100, was comfortably filled.

The parents of Frank, Mr. and Mrs. Rudolph Frank, of Brooklyn, entered the chamber at 9:30 and took seats near the center of the room. They were followed by Mrs. M. Delaney Fisher, a member of the delegation from Chicago which came here to present a mammoth petition in Frank's behalf.

Ex-Congressman William M. Howard of Augusta, Frank's leading spokesman before the Commission, entered the chamber a few moments before 10 o'clock. Solicitor General Hugh M. Dorsey was not present, nor was anyone present to represent him.

Promptly on the minute the hearing was opened. Mr. Howard said he thought each side should present at the outset all the documentary evidence it proposed to use in the hearing, so that neither side could later say the other side attempted to "spring a surprise." Mr. Howard then submitted his documentary evidence as follows:

1—Brief of evidence at Frank's trial, approved by Judge L. S. Roan, the trial judge.

2—Copy of motion for new trial, overruled by Judge Roan.

3—Bill of exceptions to this ruling of Judge Roan, on which an appeal was taken to the State Supreme Court.

4—Dissenting opinion signed by two justices of State Supreme Court, in which they favored granting a new trial to Frank.

5—Affidavit by Judge Roan setting forth reasons for requesting Frank and Frank's lawyers to stay away from the court room when the verdict was returned.

6—Statement by Mrs. Leo M. Frank denying the rumor current shortly after Frank's arrest that she refused to visit him at the police station.

7—Affidavit by Atlanta physicians that Frank has no taint of perversion, either mentally or physically. Those signing this affidavit were Dr. R. R. Daley, Dr. Lewis M. Gaines, Dr. James N. Brawner, Dr. J. Cheston King, Dr. A. W. A. Gardner, Dr. Hansel Crenshaw, and Dr. E. Bates Block.

8—Letters written by Jim Conley in jail (after Frank's trial) to Annie Maude Carter, a negro woman. These Mr. Howard submitted in their original form as written by Conley, and to each member of the commission he submitted photographic copies of the letters and typewritten copies of the same. He did not read the letters, saying

they were unfit to read in the presence of a mixed audience.

9—Opinion of Albert S. Osborn, handwriting expert of New York, that the negro, Conley, wrote the murder notes found beside Mary Phagan's body, without suggestion, dictation, or assistance from Frank.

10—The letter written by the late Judge Roan to Frank's attorneys in Frank's behalf.

Chairman Davison announced that the commission would not limit the length of the hearing.

Mr. Howard then read Frank's petition for commutation and commented on various items in the documentary evidence submitted.

In reference to Mrs. Frank's statement, he pointed out that this was the first opportunity allowed to Mrs. Frank under the law to deny the "false and cruel" rumors circulated while Frank was at the police station, because under the law a wife cannot testify either for or against her husband in a criminal trial.

The attorney then turned his attention to the letters written to the commission urging commutation. He said he could not read all of the letters, since they ran into the tens of thousands; he would select some of the most notable from the standpoint of authorship, taking them from various geographical sections, to show the widespread sentiment in favor of commutation, and to these letters he would request the commission to direct its particular attention.

Among the letters read were communications from the Rev. M. Ashby Jones, pastor of the First Baptist Church of Augusta; H. M. McIntosh, editor of The Albany (Ga.) Herald; Judge A. L. Miller of Macon, Attorney Alexander C. King of Atlanta, and Jack J. Spalding, an Atlanta attorney. Mr. Spalding said he was in Atlanta during the trial, and under the circumstances it was humanly impossible to give Frank a fair trial.

Letters were also read from Judge Andrew Cobb of Athens and Judge Joseph R. Cumming of Augusta. Among the oldest and best known jurists in Georgia, both of whom asked commutation for Frank.

Frank was not tried by a mob," Judge Cumming wrote, "at least he was tried by a mass meeting."

Mr. Howard suspended the reading of the letters to permit a delegation of Atlanta business men to appear before the commission and present a petition for commutation signed by a large number of citizens prominent in the business life of the community. R. L. Cooney was spokesman for the delegation. He submitted the petition, but made no speech.

Mr. Howard then read letters favoring commutation from John D. Mell, Judge Spencer R. Atkinson, Attorney Robert C. Alston, Attorney Reuben R. Arnold, and Attorney Hollins N. Randolph of Atlanta, in reference to Mr. Arnold's case. Mr. Howard said the writer's character was such that the fact of his being one of the lawyers for the defendant should not weigh against the letter in the slightest.

Savannah Delegation Heard.

Mr. Howard again suspended his reading to permit a delegation from Savannah to be heard. In the delegation were Judge Samuel E. Adams and Attorney T. M. Cunningham and Alexander A. Lawrence. Judge Adams was spokesman. He made a brief, impressive speech, in which he said:

"We appear here as a committee representing the city of Savannah. The petition we present is signed by something like 2,000 of the most representative citizens of Chatham County in all walks of life. At the time I agreed to come here as spokesman I did not know what the sentiment of my community was, nor did I care. I felt it my duty to come, and I agreed to come. Neither I nor Mr. Lawrence nor Mr. Cunningham has the slightest pecuniary, personal, or professional interest in Leo M. Frank or his case. We are here purely as a matter of duty to our own conscience.

"The atmosphere of the trial was inimical to a fair consideration of the case. We are here because we believe Frank did not have the sort of trial to which every man, be he white or black, rich or poor, humble or influential, is entitled. It is not right to hang a man unless his guilt is certain, and the Judge who tried him is convinced."

The plea of the Savannah delegation was followed by a plea from Ernest Dubignon, delivered by Colonel John E. Dubignon, a prominent citizen of that city.

Then came Samuel Maddox, a prominent attorney of Dalton, Ga., who filed a petition signed by a large number of citizens of that city, and stated that he came before the commission at their request. He said he was conclusively satisfied of Frank's innocence, and he made an eloquent appeal for commutation of sentence.

Next appeared Dr. L. R. Christy, pastor of the First Baptist Church of Columbus, Ga., who filed a petition signed by a large number of residents in Columbus and its vicinity. He accompanied the petition with an earnest address in Frank's behalf.

Chairman Davison asked if there were any more delegations present from Georgia; none answered. The hour of 12:30 having arrived, Chairman Davison announced a recess for luncheon, and said that owing to the press of spectators the hearing would be transferred to the hall of the House of Representatives, where several hundred persons could be accommodated.

Plea by Ex-Governor Foss.

After recess, Mr. Howard asked the commission to hear ex-Governor Eugene N. Foss of Massachusetts immediately. The ex-Governor wanted to catch a train. The commission agreed and Mr. Foss came forward.

"Gentlemen of the commission," he said, "I am here as a member of a committee created by a mass meeting recently held in Faneuil Hall in Boston. My associates on the committee are John W. Coughlin, a former Mayor of Fall River; Dr. Ernest Greening, editor of The Boston Evening Traveler,

and Alex. Brin, a prominent Boston business man."

"We are interested in Leo M. Frank because he was a resident of our State for quite a while after he left Cornell University. For six months he was employed in the engineering department of one of my establishments. While I did not know him, those who did speak of him in the highest terms. His record with us was exemplary. He was regarded as a very intelligent, studious, hard-working young man, and his character was above reproach. When Frank came to Massachusetts he brought with him to the local pastor a letter of introduction from his pastor in Brooklyn. His pastor in Massachusetts was thrown with him often and had a very high opinion of him."

"We are not here to criticize the courts of Georgia. We simply believe a mistake has been made. We believe there is such a strong doubt of the guilt of this man, to say the very least in his favor, that he should not be hanged. We believe he will meet with justice and mercy at your hands."

Addressing the commission, Mayor W. F. Dorsey of Athens, Ga., declared he believed he spoke for 75 per cent. of the people of Athens and Clark County in asking the commission to commute Frank's sentence.

Attorney Howard read a letter favoring commutation from Miss Louise A. Lane of Athens, who has devoted her life to settlement work among mill people. He also read a letter from Miss Mildred Rutherford, a well-known Athens educator in which she strongly urged commutation. Miss Rutherford recalled the story of a Methodist preacher, who was convicted on circumstantial evidence of the murder of his stepdaughter, and who was hanged. Years afterward a negro on the gallows confessed the crime. The confession so preyed upon the mind of the trial Judge that he committed suicide. This happened in Georgia, Miss Rutherford said, and no such horrible mistake should be made again.

Mr. Howard next read letters from Captain James W. English of Atlanta and ex-Justice T. R. Fottle of the State Court of Appeals, also the letter from Justice Roan of Jessup, Ga., brother of the late Judge L. S. Roan.

Then appeared before the commission a committee of Atlanta ministers, consisting of Dr. John E. White, pastor of the Second Baptist Church; Dr. C. E. Wilmer, rector of St. Luke's Episcopal Church, and Dr. Richard Orme Plinn,

pastor of the North Avenue Presbyterian Church. W. Woods White accompanied them.

Dr. White presented a petition signed by a number of Atlanta ministers, which, he said, was not connected with any other movement in Frank's behalf. The commission then heard the delegation from Chicago, composed of Joseph M. O'Connor, Chief Justice of

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FINAL FRANK PLEA IS NOT OPPOSED

Continued from Page 8.

the Criminal Branch of the Cook County Superior Court; T. N. Higginbotham, Director of the Marshall Field stores, capitalist and philanthropist; Mrs. M. de Laney Fisher, prominent in the Chicago Chapter of the United Daughters of the Confederacy, Vice President of the Southern Women's Club of Chicago, and an author of national repute, and W. L. Bauer, prominent criminal lawyer of Chicago.

Judge O'Connor said the committee was appointed by a very large mass meeting of Chicago citizens and that the petition brought by the committee from Chicago was signed, with thousands of others, by Governor Dunn of Illinois, and every member of the Illinois Legislature; Mayor Thompson of Chicago and every member of the Chicago Board of Aldermen; every one of the eighteen Judges of the Cook County Superior Court; every one of the sixteen Judges of the Cook County Circuit Court; every one of the thirty-nine Municipal Court Judges of Chicago; every member of the Chicago Chapter of the United Daughters of the Confederacy, members of the Chicago Lawyers' Association, 200 members of the Chicago clergy, representing all religious denominations; every member of the Illinois Bankers' Association, and members of the Chicago Medical Association.

In addition to this petition from Chicago, Judge O'Connor said the committee presented petitions from Iowa, Wisconsin, Illinois, Idaho, Montana, Wyoming, Kentucky, Washington, California, Michigan, Tennessee, Louisiana, and Texas. The total number of names signed to all these petitions was given by Judge O'Connor as more than 500,000.

Another member of the Chicago committee, Mr. Higginbotham, then addressed the commission. After him came Mr. Bauer and Mrs. Fisher. The latter said that her mother was a Georgia woman whose two brothers gave their lives for the Southern Confederacy and that her interest in the Frank case was due not only to her own desire to see mercy shown, but also to a request made by the Regent of Stonewall Chapter, U. D. C., of Chicago, who lay on a bed of pain and was unable to come to Atlanta.

Coroner Appeals for Frank.

Mr. Howard then read a letter from Coroner Paul Donehoo of Fulton, who held the inquest upon Mary Phagan. He urged commutation. In his letter Coroner Donehoo said there always had been a very strong doubt in his mind of Frank's guilt, and that this doubt had grown to a positive conviction of Frank's innocence. He expressly disclaimed any criticism of the courts.

Next appeared ex-Mayor L. H. Chappelle of Columbus, Ga., a prominent business man. He said he came independently of any other Columbus delegation and of his own accord because he felt a very strong doubt as to Frank's guilt and because he wanted to appear in person before the commission and urge upon them "that the good name of the State demands that we do not place ourselves beyond the point where a possible mistake can be corrected."

Attorney Howard then called the commission's attention to letters written by Boykin Wright of Augusta, Z. D. Hardison of Atlanta, State Senator Peacock of the Fourteenth District, Miss Margaret Lang of Atlanta, and G. T. Dunbar of Augusta.

The lawyer then submitted the analysis of the murder notes prepared by Attorney William M. Smith of Atlanta, who represented Conley during the Frank trial, but subsequently announced that he had come to the conclusion that Conley killed Mary Phagan. This analysis, Mr. Howard said, was not offered as a part of his documentary evidence, but as an independent communication, which stood on its own merits.

The analysis covers more than 100 pages, going into the psychology of the notes exhaustively. The sum and substance of the argument contained in the analysis is that the notes themselves convict Conley of the murder of Mary Phagan. The analysis, a summary of which already has been published in THE NEW YORK TIMES, points to the conclusion that the murder notes were written by Conley himself, and not at the dictation of Frank or any other person.

Mr. Howard then presented a plea for clemency in behalf of the mother of Frank, and with this he said he closed his case so far as documents were concerned. He asked if the board had been advised that there would be a showing in opposition to commutation. Chairman Davison said the commission had not been advised that there would be. He asked if there was any opposition to Frank's petition. There was no response.

Counsel's Eloquent Address.

Attorney Howard then made his argument.

"When statutes conflict with the Constitution, statutes must yield," said Mr. Howard. "No man can say you conflict with the law when you exercise the pardoning power. You are not asked to set aside any law. You are asked simply to change a verdict which itself might have been rendered by the jury in either one of three ways.

"The jury could have returned a verdict fixing life imprisonment as the penalty. They could have returned a verdict giving the trial Judge the opinion between a verdict of life imprisonment and death. They could have returned a verdict allowing the trial Judge no option but the death penalty. This was the verdict they did return. We are asking you simply to exercise a function which the jury could have exercised.

"We believe the evidence we have submitted will at least cause a doubt in your minds as to the guilt of this man, who, we say and believe, is innocent. At the trial such a doubt, under the law, would have acquitted him. If that doubt is in your minds we ask you simply to change the sentence. We ask it in the name of mercy, based on the doubt inherent in this case. We ask it in perfect confidence, for the Constitution says we can be given that mercy

where it is for the interest of the Commonwealth.

"We have criticised no one. We have not even invoked the record of the United States Supreme Court, where the dissenting opinion of two able Justices puts on eternal record the atmosphere of that trial.

"Conley has been believed as against us. We as against him have been disbelieved. Let this white man be pictured before you by the life he has led and the stainless character he has borne. Let Conley be pictured before you in all the depravity of heart and soul revealed by the record of his testimony. Conley's depravity has ruined us, has taken our character. Do not let him take our life.

"We ask you this, which is less than our right. Give us this right to live, and then we shall trust that ultimately the intervention of divine Providence will strike away the shackles that bind us."

After he had closed his argument Mr. Howard asked the commission to hear Messrs. Coughlin and Greuning of the Massachusetts Committee explaining that he had forgotten that they were to follow ex-Governor Foss and asking their pardon for the oversight. The commission heard them; they made short, eloquent appeals for commutation.

Then Chairman Davison once again asked if there was present any one who wished to be heard in opposition to Frank's petition. There was silence.

"The hearing stands adjourned," said Chairman Davison.