

# WILL FINISH TODAY HEARING FRANK PLEA

**Conclusion of Howard's Argument Alone Remains—Decision Probably Tomorrow.**

## SLATON AS JUDGE AND JURY

**Going Thoroughly Into the Evidence, Especially Conley's Story—Ex-Gov. Brown Bitterly Criticised.**

*Special to The New York Times.*

ATLANTA, Ga., June 15.—With Governor Slaton out of the city—he delivered the commencement address at the State University in Athens—there was a lull in the Frank case today, following the adjournment of the hearing before the Governor last evening, when ex-Congressman W. M. Howard was presenting his argument for commutation. The hearing will reconvene tomorrow morning at 9 o'clock, when Mr. Howard will conclude his speech. This probably will take two or three hours, and then, so far as known, the hearing will be concluded.

Governor Slaton is putting in every spare moment on the Athens trip studying the Frank trial record and the briefs submitted by Solicitor Dorsey and the attorneys for the defense. It is not unlikely that his decision will be made Thursday. He intimated Monday that he might reach a decision Wednesday, but at that time it was thought the hearing would be concluded Monday evening. It is almost a certainty that the decision will be announced before Saturday.

The hearing before Governor Slaton has practically resolved itself into a retrial of the case, with the Governor in the rôle of Judge and jury. The entire record has been gone into, and the attorneys for Frank and the State are arguing just as if they were before a trial court.

Ex-Congressman Howard, who represents Frank, is centring his attack on the negro Conley, whom he charges with being the murderer of Mary Phagan. His theory is that Conley has lied from the beginning in order to save his own neck.

"The trouble with Conley," he said, "is that he won't stand hitched from one swearing to the next."

Referring to Conley's final affidavit, Mr. Howard pointed out to the Governor certain words written by hand at the close, in which Conley swore Frank took back the \$200 alleged to have been paid for the negro's silence.

"You see," said Mr. Howard, "that the affidavit was finished, was complete, when somebody remembered that it would not do for Conley to be left in possession of \$200, because this amount of money would have to be accounted for, and Conley, apt scholar, fixed that to his own and the detectives' satisfaction."

Governor Slaton showed great interest in Mr. Howard's argument and seemed deeply impressed by the analysis of Conley's testimony.

The speech of ex-Governor Joseph M. Brown in opposition to commutation has caused much criticism. In a communication to the press C. Ross Wall, a prominent Georgian, says:

"I have read the outrageous and wicked diatribe of ex-Governor Brown against the long-maligned, persecuted, and innocent Leo M. Frank. There is no man on earth that has more respect for the Bible than I have, but when Mr. Brown quoted from it in an effort to have an innocent man hanged in order to satiate the blood thirst of a mob which menaced the court during the trial of the Frank case and which continues its efforts to bulldoze officials of Georgia in an effort to prevent them from doing their plain sworn duty, his conduct should and will be condemned by all Christian men and women, in my humble opinion.

"If the State of Georgia allows Frank to be hanged his innocent blood will pollute the soil of our State and dye the hands of ex-Governor Brown. When ex-Governor Brown appeared before Governor Slaton he took up a reproach against an innocent man and was guilty of backbiting. Every Bible student knows that crime bars no one from the kingdom of God.

"Dorsey and all the detectives who

have shielded the guilty Conley and convicted the innocent Frank should be execrated by all righteous people."

A recent editorial in The Augusta Chronicle attacking members of the Prison Commission for refusing to recommend clemency, and intimating that Messrs. Rainey and Davison, who signed the majority report, were intimidated by the anti-Frank mass-meeting, has brought the following card from Mr. Rainey:

"As far as it concerns me, the report that I ever expressed an opinion as to what should be done with Frank prior to the hearing of his application for clemency is absolutely false, and your insinuation that my action was controlled by other than a sense of duty, after reading the record and hearing all there was on both sides of the matter, did me a grave injury. The fact is, after Frank's conviction, believing that his case would finally come before the Prison Commission, I studiously avoided any discussion of his case."

Replying to Mr. Rainey's card, The Chronicle says:

"We still think that he made a mistake in not giving Frank the benefit of the doubt, in view of the character of the chief testimony against him, as well as the atmosphere of the trial itself, thereby justifying a reasonable doubt as to whether or not a just verdict was reached."

## \$500,000 FRAUD CHARGED.

**David Essacson, Who Sold Medal-lion Outfits, on Trial.**

David Essacson, head of the Kalos Manufacturing Company, which had offices at 43 West Twenty-seventh Street, 25 West Thirty-fourth Street, and in Boston, was placed on trial yesterday before Judge Russell and a jury in the Criminal Branch of the Federal District Court on an indictment for having used the mails to defraud.

According to the indictment Essacson operated a co-operative manufacturing scheme which netted the company in a few years profits of nearly \$500,000 from applicants, mostly poor men and women, who answered "help wanted" advertisements. It is charged that the applicants were told they could begin the making at home of medallions by pasting colored photographs on concave glass which the company would purchase from them at 50 cents each. After paying a dollar for a lesson, applicants said they were urged either by Miss Marian Evans or Miss Edith M. Taylor, saleswomen for the Kalos Company, to buy an outfit at \$12 to \$18, and were told that they could make from \$15 to \$50 a week. When the pupils tried to sell their handiwork, according to the indictment, they found it did not come up to the company's requirements for excellence.

Assistant District Attorney Robert W. Stephenson said that in 1914 the Kalos Company had 1,093 men and women in this city on its books and 1,141 in Boston. These persons, he said, paid, \$22,342 for instruction outfits, and they got in return for medallions accepted but \$2,437. The Misses Evans and Taylor also are named as defendants in the indictment with Essacson. He is said to be wealthy and a resident of a Boston suburb.

## 100,000 MORE EVERY WEEK.

**City's Shifting Population Bothers Census Enumerators.**

The fact that approximately 100,000 persons change their places of residence every week in this city is making it difficult for census takers to gather statistics. To do accurate work it is necessary for each man to cover his district twice.

The enumerators have blanks on which they note each vacant house or apartment. They have to note also the houses where roomers are taken. When he returns from a district are complete the census taker practically has to cover his district again. This time he goes to every place marked vacant and notes whether families have moved in since his official visit.

At all places tenanted he must gather his statistics, being particularly careful to note the address from which the new tenants have moved. He files this information at the Census office of the borough, and an examination is made to determine whether these shifting families have been "marked down" by the enumerators. In this way it is expected that accuracy of results will be obtained and that every man, woman, and child in the city will be included in the census returns.

All this requires time and a consequent delay of the census, but those having the matter in charge say this delay is necessary to get an accurate count.