

# Frank's Hearing Ends Commission to Make Recommendation Soon

With the Words, "We Have Perfect Confidence Leo Frank Will Not Hang," Ex-Congressman William M. Howard Closes His Appeal for the Prisoner.

## NO COUNTER SHOWING MADE BY PROSECUTION AGAINST COMMUTATION

Ex-Governor Foss, T. N. Higginbotham, Dr. J. W. Coughlin, Former Mayor of Fall River, Mass.; Mrs. Fisher, of Chicago, and Others Ask for Commutation — Coroner Donehoo Asks Clemency.

When the prosecution failed to make a counter showing against the appeal for commutation for Leo M. Frank, the hearing before the state prison commission came to a surprisingly early close Monday afternoon at 5 o'clock. In closing Attorney William M. Howard pointed to the mass of data and petitions piled up before the three commissioners and said:

"We ask clemency in the name of grace and in the name of mercy. Our appeal is based on a doubt inherent in the very nature of the case. We refer that mass of record and petition to you. We have perfect confidence that Leo Frank will not hang. Your humanitarian instincts will not permit."

A long list of national notables appeared before the commission during the afternoon to protest against the execution of the doomed man. Among them was ex-Governor Eugene N. Foss, of Massachusetts, which state had two more men of prominence to press the Frank appeal. Governor Foss had come voluntarily, while Ernest H. Gruening, managing editor of The Boston Traveler, and Dr. J. W. Coughlin, former mayor of Fall River, composed a committee to represent the thousands who had signed the Massachusetts petition.

### Render Decision Soon.

It was stated by members of the commission at the close of the hearing that the time in which their verdict would be rendered would not exceed ten days, and would probably be within the next four or five.

But little time was occupied by the argument of Mr. Howard, who stated that argument, in view of the evidence introduced, would be superfluous and unnecessary. The opening words of his address were devoted to a resume of the notes, in which he sought to show why they were written by the negro instead of Frank.

"It can be shown by the letters Conley wrote to Annie Maude Carter in prison," he said, "that Conley was the sole author of the death notes found beside the body. If we believe that Frank dictated the notes, it is but to believe that he sought to transmute his own mind into that of the negro, so as to make it appear that the negro's mind created the contents of the notes.

"But the mind behind the murder notes belonged to the hand that wrote them—and it is acknowledged by Conley, himself, that he wrote them. There is not a single trait of the educated white mind in the notes—nothing but the degradation of the low, base negro is disclosed. We have the word of the state's own handwriting expert to that effect.

### Doubt Warrants Commutation.

"The element of doubt, alone, is sufficient to warrant commutation. And the letter of the trial justice, Judge Roan, is sufficient to establish doubt enough to warrant such action. No argument will be attempted in reviewing the merits of the case—they stand for themselves—an argument would be a waste of time.

"There is no limitation to the power of the governor to pardon, respite or commute. But before he can act, there must be an investigation and recommendation from you.

"The power to pardon comes from our English ancestors. It is commensurate with the power of the king, and it is still as big in Georgia as it is in England. The power of pardon is the exercise of an act of grace, and the only restriction is that it shall be exerted in the interest and welfare of the state. And the exertion of this power does not discredit the courts; neither does it put its exponents in an attitude of antagonism or hostility toward the courts.

"The power to set aside a statutory procedure, such as has preceded us in the Frank case, is a power with which you and the governor have been endowed directly by the people, while statutory laws are created indirectly by the people. It is a constitutional power, and all institutional authority is given you by the people directly.

"In this instance you are not asked to set aside or disregard any law—you are only asked to set aside a verdict that might be of inconceivable injury and substitute a verdict that will be of more judicial benefit to the man involved and the commonwealth.

### Ask for Recommendation.

"If you recommend commutation, you will simply exercise a function that the original jury would have exercised if it had recommended mercy at the time it returned the verdict of guilty against Frank. We ask such a recommendation in the names of grace and mercy. Our appeal is based on a doubt inherent in the very nature of the case.

"We refer this bulk of record to you with perfect confidence. We have not sought to criticize or discredit. We bow with humble deference to every step of statutory procedure of which we are the victims.

"This case has not a parallel in judicial annals of this state. Conley has been believed rather than us, and we

**Continued on Page Four.**

In which the people of the state have come forward to plead the cause of justice.

"And I am likewise proud of the womanhood of Georgia, and I can see why men of this portion of the country revere and love their women. There is no doubt that the heart of woman lies behind much of the real effort that has been put forward toward the ends of justice in this case."

The appeal of a woman, who declared that she came in behalf of 200,000 women who made only the woman's plea—mercy—brought tears into the eyes of Mrs. Leo M. Frank, wife of the convicted man, who, with his mother and father, Mr. and Mrs. M. Frank, attended both sessions of the hearing.

**Mrs. Fisher's Plea.**  
The speaker was Mrs. Mary DeLaney Fisher, a writer of Chicago, who came with the delegation from that city. She was the only woman appellant at the hearing.

"We women know nothing of argument," she said briefly, and with a trace of feeling in her words, "and we know nothing of law. Men say we have no reason, and we don't. I really boast much, but we have a fund of feeling that makes up for lack of anything else. We can discern justice, and the 200,000 women I represent beg of you to hear woman's greatest plea—for mercy."

A surprising turn was taken in the hearing when a letter recommending commutation for Frank was read from Coroner Paul Donohoo, under whose supervision the coroner's jury, in the early stages of the Frank case, had remanded the white man to prison to await action from the grand jury.

**Donohoo's Letter.**  
The letter, it was learned from the coroner, had not been sent directly to the board of commissioners, but had been mailed to Leonard J. Grossman, a young attorney, in sympathy with the Frank movement. It follows in full:

Mr. Leonard J. Grossman, Candler Building, Atlanta, Ga.  
My Dear Leonard—Referring to our conversation of the 21st inst. and your request that I write a public letter expressing myself as favorable to clemency for Leo M. Frank.

I am not sure that such a letter from me would do Mr. Frank any good whatever, nor am I sure that the writing of such a letter would be wise from my own standpoint. Personally, however, I have never made up my mind definitely that Mr. Frank is guilty of the murder of Mary Phagan. On the contrary, there is so strong a doubt lingering in my mind on the point, that I should feel very badly indeed to stand by and see him hanged. I have no newly-discovered evidence upon which I base my doubt of his guilt, which I am ready to say amounts to a positive belief in his innocence. I am simply not convinced by all that I have been able to learn of the case that he is guilty. When I examined him at the Mary Phagan inquest, he was more than necessarily open and free in his testimony, and this spirit on his part has always appeared to me as entirely inconsistent with the theory of his guilt.

As I stated, I do not feel that it would be wise for me to write a letter of the character requested; but if my opinion carries any weight, I am sure that Mr. Frank should have the benefit of it, and I am therefore writing this, giving you the privilege of using it as you see fit, and have no objection to its being read before a prison commission or the governor, if you care so to use it, and my unwillingness to make it a public letter is solely due to the fact that it might be construed by some as a criticism of the courts and juries who passed upon the Frank case—courts and juries in whose honor, integrity and ability I have the utmost confidence.

Very truly yours,  
PAUL DONOHOO.

**Governor Foss' Appeal.**  
The appeal of ex-Governor Foss was confined largely to a tribute to Frank's character at the time he was employed in the engineering department of one of the former executive's manufacturing plants in Boston.

"Frank left college," he said, "he was employed in the engineering department of one of my plants. I did not know him, but the men in the factory spoke highly of him, recommending him as a man of good character, sterling habits, studious and painstaking. His pastor in Boston also paid him a tribute, and from all I could learn of him he was not a man to commit such a heinous crime for which he has been convicted."

The prayer of the Honorable Ministers' association was presented by Dr. John E. White, Rev. Richard Orme Flinn, Dr. C. E. Wilmer and W. Woods White. It contained the other names of Dr. Jacob L. White, Rev. A. R. Holmby, Rev. J. H. Moore, Rev. J. P. H. H. Rev. C. Lewis Fowler, Rev. Fritz Rothensburg, Rev. W. E. Hill, Rev. G. R. Buford, Rev. A. M. Hewlett and Rev. Russell K. Smith.

**Ministers' Petition.**  
The petition, in full, follows:  
To the Honorable Prison Commission and His Excellency the Governor of the State of Georgia: A petition of the Ministers, resident at Atlanta and citizens of Georgia, who are deeply interested in the case of Leo M. Frank, and who, in the exercise of our conscientious duty, herewith present to the honorable prison commission of Georgia and his excellency, the governor, a petition in prayer for the commutation of the sentence of death of Leo M. Frank.

We desire to state that we are moved to enter through no connection, what we do with other similar movements, but wholly in the exercise of our sense of obligation to justice and the welfare of Georgia. Without touching upon many of the features of the case which have been urged from legal and other standpoints, we confine ourselves respectfully to five statements, expressing our conscience in this case.

**FIRST.**  
That we honor and approve the ability and fidelity of the Hon. Hugh M. Dorsey, solicitor general, or his skillful and powerful conduct of the state's case in the discharge of his sworn duty as a public prosecutor, a fact sufficiently approved by the reviewing courts of Georgia and the nation; and the contention of the state would be a still further confirmation of the approval of Mr. Dorsey's fidelity and capacity as a public prosecutor.

**SECOND.**  
That the great doubt of thousands of the best citizens in Georgia who have followed the case from the beginning; the doubt in the judgment of the trial judge, publicly expressed at the hearing; the evidence and the dissenting opinions of able judges of the Georgia supreme court, constitutes a just ground for the exercise of your constitutional powers of commutation.

**THIRD.**  
That the life sentence under these circumstances will vindicate in its severity the demand of penalty and justice.

**FOURTH.**  
That under the conditions of doubt as indicated above and the possibility as revealed in human experience that time may disclose facts bearing on the case, not now in evidence, the commutation to life imprisonment, it seems to us, under all the circumstances, in the course demanded by justice, truth and humanity.

**FIFTH.**  
That this petition is presented in the discharge of our personal conscience as individuals who stand for the sanctity of law and integrity of our courts, and officers who patriotically uphold in the performance of their solemn duties. But we equally recognize the wisdom of the constitution of this state which has placed your hands the obligation to review the sentences of the criminal courts whenever the facts and conditions are such as to demand it.

"I share my opinion of innocence with a large majority of the thousands I represent in the vicinity of Athens," said Mayor W. F. Dorsey, of that city, who was one of the first speakers of the afternoon. "We were all governed at the time of the trial, I'll admit more or less by excitement—even as far away from the center of the state as Athens."

"I believe that Judge Roan fully expected a verdict of acquittal from the Frank jury. The thought that most impressed him as a man of keen judicial understanding, an expert jurist, when he foresaw the verdict, was to protect the life of the prisoner, and it was on this basis that he conferred with the lawyers of the defendant to waive his presence and that at the time of the verdict's rendition."

"I do not believe that Judge Roan thought the evidence justified a verdict of guilty. Therefore, he sought to protect the prisoner."

Among those from whom letters were read in appeal for commutation were Captain James W. English, of Atlanta; Miss Louise Lane, a settlement worker of Athens; Miss Mills Rutherford, of Athens, but the most important was the letter from Dr. J. T. Roan, of Jesu, brother of the late Judge L. S. Roan, who stated that his brother was gravely in doubt regarding Frank's guilt or innocence.

**Dr. Roan's Letter.**  
It is as follows:  
Gentlemen: In 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.

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 impressions conveyed were that a spirit of most violence permeated the atmosphere of Atlanta at the time of 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, and that the crime of Leo M. Frank, under these conditions, which were wholly unusual.

The impression also that I received from him was that Frank had accounted for every minute of 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 that he could have done this had he committed the crime.

I got the further impression from him that the Conley was drinking, and that as the little girl came downstairs the negro could have killed her and hidden her body.

Another 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 new trial was refused, did not explain fully his feelings on the subject, but that since the jury had passed upon it, he was not his duty to do so, but that the evidence itself taken as a whole, left grave doubt in his mind as to Frank's guilt; and that in passing upon the case and to the conference, he considered the errors of law, and did not pass himself 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 the testimony 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 doubt 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. 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,  
(Signed) J. S. ROAN.  
**Judge O'Connor Speaks.**

Judge Joseph M. O'Connor, presiding justice of the criminal branch of the Cook county court, Illinois, in which county Chicago is situated, was one of the speakers of the afternoon. He prefaced his address with a telegram in appeal for commutation from Governor Quinn of Illinois, who presented petitions from Kentucky, Iowa, Wisconsin, Indiana, Illinois, Montana, Idaho, California, Minnesota, Tennessee, Texas, Minnesota.

"There hasn't a single judge in the circuit of justices who have passed on the Frank case who have expressed a belief or opinion of guilty," he said. "But we neither plead the question of guilt or innocence; we plead only the elements of doubt."

Among the other Chicago representatives were T. N. Higginbotham and W. L. Bauer, the former one of that city's most noted philanthropists, and the latter the secretary of the Leo M. Frank committee of Illinois.

"Don't leave the Frank case for history to correct—it can never correct. Correct it and make judicial history," pleaded Mr. Higginbotham.

During course of the session Attorney Alexander presented petitions from the following Georgia cities: Baxley, Bainbridge, Albany, Athens, Allington, Americus, Barnesville, Bishop, Blakely, Blountsville, Buford, Butler, Calhoun, Cartersville, Cedartown, Clayton, Columbus, Cordele, Covington, Dalton, Darien, Dawson, Dublin, Douglas, Eastman, Eatonton, Elberton, Forsyth, Fitzgerald, Gainesville, Hahira, Hillsville, Hiram, Hazlehurst, Jackson, Jessup, Jeffersonville, Kirkwood, LaGrange, Louisville, Lumpkin, Macon, Madison, Meigs, McDonough, Milledgeville, Morgantown, Monroe, Moultrie, Newnan, Nichols, Ocala, Okefenokee, Rome, Spalding, Simpson, Social Circle, Statesville, Stillmore, Talbotton, Tallapoosa, Tifton, Vienna, Villa Rica, Washington, West Point, Whitesburg and Wrightsville.

At the morning session of the prison commission, one of the first documents presented to that body in support of the claims of Leo M. Frank for a commutation of his sentence to life imprisonment was a letter from the late Judge L. S. Roan, in which he said there was still doubt in his mind as to Frank's guilt, and he stated that he would ask for a commutation of the sentence. His letter follows:

"North Adams, Georgia, December, 1914.  
"Rosen & Brandon and R. H. Arnold.  
"Attorneys for Leo M. Frank.  
Gentlemen:  
"After considering your communication, asking that executive 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 the death sentence of Leo M. Frank. 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 in 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 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 proven 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 the reviewing court are all satisfied of that person's guilt. Hence, at the proper time, I shall express and enlarge 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."  
(Signed) Yours truly,  
L. S. ROAN.

Solicitor Hugh M. Dorsey, who had previously announced that he would not attend the hearing of the commission, was absent, nor was there any one present to represent him.

**Howard Files Evidence.**  
Former Congressman William M. Howard, who is representing Frank before the commission, announced that, in his opinion, documentary evidence should be submitted to the commission. This was granted and he submitted such evidence as follows:

1. Brief of evidence at Frank's trial, approved by Judge L. S. Roan, the trial judge.  
2. Copy of petition for new trial overruled by Judge Roan.  
3. Bill of exceptions to this ruling of Judge Roan on which an appeal was taken to state supreme court.  
4. Dissenting opinion filed by two justices of state supreme court, in which they favored granting Frank a new trial.  
5. Affidavit of Judge Roan setting forth reasons for requiring Frank's attorneys to stay away from courtroom when verdict was returned.  
6. Statements, by Mrs. Leo M. Frank denying the rumor started shortly after Frank's arrest that she refused to visit him at police station.  
7. Affidavit by Atlanta physicians that Frank has no signs of perversion either mentally or physically, either before or after the trial.  
8. Letters written by Conley in jail after Frank's trial to Annie Maule Carver, a negro woman. These Mr. Howard submitted to the commission as written by Conley, and to each member of the commission he submitted photographs of the letters and typewritten copies of 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 Conley wrote murder notes found on the body of Mary Phagan without suggestion. Dictated to assistance from Frank.  
10. Letter written by Judge Roan to Attorney Luther Rosen by Judge Roan to Attorney and Governor, should Frank's case reach them, and ask for a commutation of sentence.  
After submitting his documentary evidence, Mr. Howard said Frank's representatives would accommodate themselves to the commission's convenience as to the hours of the hearing and the length of the hearing.

**Two Hearings Daily.**  
Chairman Davidson, in reply, said the hearings, after a Monday, would begin at 9 o'clock and run to 11 o'clock on Tuesday at 2 o'clock and run to 5 o'clock. He said the commission would not limit the length of the hearing.

would ask Attorney Harry A. Alexander to announce the names of Frank's official representatives before the commission. Attorney Alexander rose and said: "William M. Howard and Harry A. Alexander."

Mr. Howard then opened the argument by reading Frank's petition for a commutation.

This done, Mr. Howard commented on various items in the list of documentary evidence submitted.

**Mrs. Leo M. Frank's Plea.**  
Mrs. Leo M. Frank, who had not been at any stage of the hearing, allowed to make a statement in behalf of her husband's behalf, appeared before the commission and filed the following statement:

Mr. Frank first came to Atlanta on August 6, 1908. About August 8 he took up his residence at No. 93 East Georgia avenue, at the home of my aunt, Mrs. J. S. Sells. At this time I lived with my parents, at No. 68 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 were married on November 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 likewise having been born in Dalton, Ga., and has lived all of 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 courteous and courteous treatment which is characteristic of the southerner in general, 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 which I fully realized in my husband.

**Married Life Was Happy.**  
When not occupied with his business, the only time he spent away from me was when he was occupied with 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 respectful to 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 have been 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 the matinee to grand opera, and in order to get there on time we set down to the table at 1:10. Before my husband came home to dinner, and at about 1:15 father came in, and at 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 husband and my father were left at the table eating.

**Reception After Theater.**  
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 husband 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 half past ten. We were awakened about 6:45 by the telephone ringing. My husband got up, took a bath, and went down to answer the phone. 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 down there, and that they were sending 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.

**Frank Told of Slaying.**  
When I opened the door, Boots Rogers and John Black were there. Of course, at that time, I did not know who they were, and I asked them what was the matter, and they said someone 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.

"They asked him if he knew Mary Phagan, and he told them that he did not," said Mrs. Roan. "My little girl had not come to the office to get her money the preceding day, and he said that he did not remember such a girl, but that he did not know her name. They then said they wanted him to come with them through the factory. I wanted them to let him have his breakfast first, but they refused. I then asked if they would not let him have a cup of coffee, but they refused that also. It was I, and not he, that asked for the coffee."

**Story of Husband False.**  
As to the affidavit reputed to have been made to Atlanta 3:30 a. m. on June 3, 1913, the statement that I ever made to the effect that my husband did not rest good that night; that he was drunk, and that he made no sleep on the floor, and all the rest of it, is entirely untrue, and I have never made such a statement to anybody. That whole story is false from beginning to end.

**Mass of Letters Read.**  
From a mass of letters submitted several were read before the commission, among them being the following:  
From Judge Andrew J. Cobb, of Athens, stressing the doubt of Frank's guilt; from Major Joseph B. Cumming, of Augusta, commenting on the atmosphere of the trial, from Rev. H. M. Ashby Jones, pastor First Baptist church of Augusta; from Editor H. M. McIntosh, of The Albany, Ga., Herald; from Judge A. L. Miller, of Macon; from Attorney Alex C. King, of Atlanta, commenting on the atmosphere of the trial.

After hearing the reading of letters, a delegation of Atlanta business men appeared before the commission, among them being H. L. Cooney, who was spokesman for the delegation, who submitted a petition for the body.

At the instance of Mr. Howard, a delegation of Savannah citizens was heard. In the delegation were Judge Samuel H. Adams and Attorneys T. M. Cunningham, Alex A. Lawrence, Judge Atlanta addressed the commission and filed a petition signed by more than 2,000 Savannah people.

"This petition is signed by the most representative citizens of Chatham county in all walks of life," said Judge Adams. "At the time I agreed to come here as spokesman, I did not know the sentiment of my community, nor did I care. I felt it my duty to come, and agreed to come. Neither I nor Mr. Lawrence nor Mr. Cunningham has the slightest personal or professional interest in Leo M. Frank or his case. We are here purely as a matter of duty to our own consciences.

"Sometimes our courts make mistakes and there is no remedy for them except in clemency. Leo M. Frank was entitled to a new trial. It is not right, gentlemen, of the commission to hang a man unless his guilt is certain, and the judge who tried him is convinced."

or innocence was excluded from the present phase of the case, the element of doubt was so strong that the prisoner should be given at least the benefit of time to establish either his guilt or innocence.

At the close of his address, Attorney Howard asked the commission if there was to be any counter showing by the prosecution, whereupon Chairman Davidson replied that he had been advised of none.

"Then we close our case," announced the attorney.

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**LEO M. FRANK'S HEARING ENDS**  
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have been doubted. That is the sum of the entire case. Never before in the history of this state has there been an instance where a low, vicious negro has been believed against the character and testimony of exemplary whites.

"And it is the instinct that revolts against just such circumstances that has brought the wealth of character to our aid from communities all over the nation. It is an American instinct that rebels against such a horror, and the possibility of even a greater horror that we humbly ask you to intercept."

Fall River's former mayor, Mr. Coughlin, paid a tribute to the esteem in which Georgia courts and people have been held by people of the north when he was introduced to the prison commission as one of the appellants for Frank's commutation.

"On May 26," he said, "the largest crowd that ever filled Faneuil hall, that historic stadium of Boston, gathered to protest against the proposed hanging of Frank, a man possibly innocent. Thousands of names were put upon petitions which I have brought with me."

**Praise for Courts.**  
"The courts of Georgia were regarded as sacred by the world. The people of Atlanta were regarded as warm-hearted, fair-minded people who would never intentionally harm a man. I know many distinguished Georgians, and it has been my extreme good fortune since 1880 to be constantly associated with some of your most esteemed men."

"I never have and cannot now believe I could mistake the character of these noble Georgians, who are but representative types of your entire citizenry, and I feel my confidence in them amply upheld by the brilliant manner