

# Leo Frank's Throat Cut by Convict; Famous Prisoner Near Death

## Attacked from Behind at the Milledgeville Prison Farm With a Butcher Knife and His Jugular Vein Severed, He Has a Bare Chance for Life.

Special to The New York Times.

MILLEDGEVILLE, Ga., July 17.—Leo M. Frank, who is serving a life sentence at the State Prison Farm on the charge of murdering Mary Phagan, a 14-year-old factory girl of Atlanta, was terribly slashed tonight by a fellow prisoner and may die.

He was attacked from behind soon after 11 o'clock by William Green, a fellow convict, who is serving a lifetime sentence for a murder committed at his home in Columbus.

Frank's jugular vein was severed and his neck was cut nearly half off.

Doctors after working on him in the hospital for over an hour reported that while he had lost a great deal of blood there was a bare chance that he would recover. The windpipe and the spinal cord were not cut.

The former Superintendent of the National Pencil Factory had been doing light work around the prison building dormitories since his arrival there after commutation of his sentence by Governor Slaton. He had been employed to clean up the rooms and to do other tasks of a similar nature around the building.

His assailant is 45 years old. He used a prison-made butcher knife which does service in killing hogs. He is now in a prison dungeon.

Frank has not been on very good terms with some of the prisoners, but the authorities did not believe that he would be attacked.

It is alleged that Green came up to Frank from behind and thrust the knife into his throat. Frank fell to the floor, screaming with pain. The guards rushed up and removed him to the hospital and doctors began work on him, but he had lost a great deal of blood.

How the assailant procured the knife is not known.

All lights were out in the dormitory at the time of the attack. So sudden was the attack that no guard had time to interfere. When Frank fell to the floor screaming the guards switched on the lights and saw another prisoner trying to make his way back to bed.

The inmates of the prison occupy one large room at night, a sort of dormitory. All the prisoners are allowed the freedom of the floor until 8 o'clock, but after that hour a prisoner is not allowed to move without permission from a guard. The attack on Frank tonight came so quickly that no guard had time to interfere.

Green is alleged to have drawn the knife from his prison clothing, where he had secreted it for the murderous attack and, uttering a curse, thrust it across the throat of Frank, the attack being from behind.

The knife, made from a file, was found on the dormitory floor.

Before Dr. George B. Compton, the prison surgeon, could reach the prison dormitory two surgeons who are serving terms in prison were at Frank's side, administering first aid.

"I guess they've got me," Frank is quoted as having said to the doctors when they reached him. He did not lose consciousness.

Frank was removed to the operating room in the hospital, where the wound was dressed.

The doctors completed the sewing up

of the wound in Frank's throat at 1:15 o'clock this (Sunday) morning. They had joined the jugular vein and believed the operation was successful.

While Frank was on the operating table, Warden Smith took Green's statement.

"I'm awfully sorry that I did this," he is reported to have said. "At the moment I thought that I was doing what was right, I thought that I was doing something that ought to be done."

"I am sorry because of the criticism that it may bring on the officials of the State farm, especially of Warden Smith. I wouldn't do a thing in the world to injure him in his position. He had confidence in me, and I have violated that confidence. I am ready to suffer the consequences."

Green said that Frank was asleep when he was attacked. There was only one knife wound.

After Green made his statement he was put in irons and placed in solitary confinement.

Mrs. Frank is in Milledgeville, where she had come to visit her husband.

Leo Frank was taken to the Georgia Prison Farm on June 20, the day before Governor Slaton announced that he would commute his death sentence. When the commutation was announced, the Governor's life was threatened and it was necessary to call out the militia for his protection and martial law was proclaimed for a distance about his country home near Atlanta.

During the last days of June, there were rumors, some that Governor Slaton would be lynched and others that Frank would be taken out of the jail and hanged, and only a week ago State Militia were ordered on duty to protect Frank in the prison farm, if need arose.

Mary Phagan, the 14-year-old daughter of Mrs. J. W. Coleman, for whose murder Frank was originally sentenced to die, was killed on April 26, 1913. On that day she called at the pencil factory of which Frank was Superintendent, to obtain a balance of \$1.20, due her for wages. In the factory at the time were Frank and Jim Conley, a negro, whose testimony was instrumental in the conviction of Frank.

Frank was arrested April 29, and the arrest of Conley followed two days later. On July 28 Frank was indicted for the girl's murder and was brought to trial on Aug. 22. The trial lasted until Aug. 26, when he was convicted.

The conviction was followed by sentence to death. On Oct. 31 a motion for a new trial was brought, but after a bitter fight, was denied. The case was carried to the State Supreme Court and a new trial was asked for, but on Feb. 17, 1914, the Supreme Court refused the petition.

On March 7, Frank was again sentenced to die for the murder of Mary Phagan. This second sentence was followed by a second motion for a new trial which, however, was again denied on May 5.

Then came an appeal to the United States Supreme Court and after a long fight and the hearing of arguments from both sides on the question of the admission of a writ of error, the Court denied it and left Frank's death sentence still operative.

On Dec. 28, 1914, Justice Lamar was appealed to and granted a hearing on the writ of error and on Feb. 26 of this year, the Supreme Court granted Louis Marshall a hearing on behalf of his client, Leo Frank. After considering Mr. Marshall's arguments, the Court refused, on April 19, to issue the writ.

Frank received his third sentence of death of May 10, and on June 9 the State Prison Board declined to interfere.

Only one hope then remained for Frank and that was to appeal to the clemency of Governor Slaton. This was done; the Governor went over the evidence and after several days in retirement, he announced on June 21 that he would commute the death sentence to life imprisonment. He said that he felt there was a doubt as to Frank's guilt and therefore he could not allow the death sentence to be carried out.