

FRANK'S DEATH DAY FIXED FOR JUNE 22

His Wife Screams and Collapses as He Is Sentenced for the Fourth Time.

HE REITERATES INNOCENCE

State Prison Board and Governor of
Georgia Alone Can Save Him
from Gallows Now.

Special to The New York Times.

ATLANTA, Ga., May 10.—Dramatically asserting his innocence of the murder of Mary Phagan and with the impassioned declaration that "he was to die for the crime of another," Leo M. Frank was today sentenced by Judge Ben H. Hill, in the General Court, to hang on Tuesday, June 22.

As the words of doom fell from the lips of the Judge, Mrs. Frank, wife of the young factory superintendent, who had wept silently as she sat only a few steps from where her husband stood, screamed, collapsed and sank limp in her chair. It was several minutes before she could be removed from the courtroom by Herbert Haas, of counsel for Frank, and other friends. She was taken into Judge Hill's chambers, adjoining the courtroom, where she was revived. Shortly afterwards, at the persistent request of the young wife, she was driven in an automobile to the Tower to be with her husband.

Frank maintained the same stoical demeanor that has characterized him since the day of his arrest. His remarks to the Court, when asked if he had anything to say why sentence of death should not be pronounced upon him, were brief, but were marked by the same touch of eloquence that rendered so dramatic his statement to the court on the occasion of his last sentence. As he spoke, he looked squarely into the face of Judge Hill, enunciating every word clearly and distinctly. When he finished speaking, he calmly bowed and awaited the final decree of the court. The only indication of the stress Frank must have been under was the extreme pallor of his face. His statement to the court was as follows:

"May it please your Honor: Again I stand before you. Again I can but reiterate that I am innocent of the murder of Mary Phagan. I have absolutely no guilty knowledge of that tragic occurrence.

"I am innocent of this charge, and I assert that the record of the evidence conclusively proves this. No appellate tribunal has ever passed upon this evidence. The only Judge who has ever heard it stated that he had the most serious doubts as to my guilt.

"My execution will not avenge Mary Phagan's death. A life will have been taken for a life, but the real culprit will not have paid the penalty. I will suffer for another's crime.

"My trust is in God, who knows that my protestations of innocence are the truth. At some future date the whole mortal world will realize it. It is the knowledge that God knows it now, and that the world will know it some day, that inspires me as I stand before your Honor and as I face the future."

Several of Frank's lawyers, who had been notified by order of Judge Hill, were in the courtroom. They were Luther Z. Rosser, Reuben R. Arnold, Henry C. Peoples, Harry A. Alexander, and Herbert Haas. No word was said by any of them.

The passing of the sentence was heard by a crowd that packed the courtroom. Sentence was pronounced at 11:35 o'clock, but two hours before that time the courtroom was filled and Deputy Sheriff Plennie Miner had to close the doors. Many waited outside in the corridors, unable to gain admission.

Frank was taken to the Court House from the Tower in an automobile by Sheriff C. Wheeler Mangum on a writ of habeas corpus, which had been signed by Judge Hill immediately on his arrival at the Court House at 9 o'clock. The prisoner was escorted to Judge Hill's chambers, where he remained until called before the court. Following the sentence he was immediately driven back to the Tower.

At the door of the jail Frank was met by his mother, Mrs. Rhea Frank. He was calm and self-possessed, smoking a cigarette. He gave his mother a brave smile. She put her arms around his neck and kissed him. Then they passed through the iron-barred gate of the jail and were lost to public view.

After his return to jail Frank gave out the following statement to the public:

"Anything else I might say at this time would be but an elaboration of my words to the court. Yet I am fully alive to the fact that my position is most precarious. It is a situation which is far removed from anything that my life and mental attitude could have bespoken. It is hideous, but at the same time so unreal, so incongruous.

"It is fundamental in human life to want to live. This desire to exist is ingrained in all of us; it is the basic morality of all that live. To those who have the proper ideals of living, life without honor is insufferable. This is the message of theology and of ethics. In the light of the whole truth, I know—and the Almighty knows—that the morality of my position in this case is unassailable. This being so, my complete exoneration of this terrible charge lies in the future. When that day arrives, I will be vindicated—and if I am alive, I will be enabled to enjoy freedom and honor.

"Therefore, I want to live. The full truth and all of the facts of the case, when they come to light, as some day they will, will prove to the world that my assertion of innocence is the truth.

"The legal arena is closed to me. The bar is placed forever against further legal process. Yet the issue of guilt or innocence has been before but one court, that in which the jury sat. All subsequent appeals were made upon alleged legal and juridic errors; not upon the facts or the evidence. Since the jury heard the case, no court of in-

quiry or review has sifted the evidence. No decision of any appeals court undertook to predicate an opinion on the record of the testimony and evidence. The doubt of the trial Judge as to my guilt still remains."

The resentencing of Frank marks the final chapter in his court fight for life. There is no further appeal to the court which he can make. His sole remaining hope of escaping the gallows now lies with the State Prison Board and the Governor. Already his attorneys have filed with the Prison Board an application for a commutation of his sentence to life imprisonment. Governor Slaton does not go out of office until Saturday, June 26, four days after the date fixed by Judge Hill for Frank's execution. Therefore, he must pass upon Frank's application for a commutation to life imprisonment or grant him a reprieve.

MAY NOT GET FRANK APPEAL.

Gov. Slaton Says Matter May Be Delayed Till After He Quits Office.

Governor John M. Slaton of Georgia, who is now in New York, in a statement tonight regarding action which he might take in the appeal of attorneys for clemency for Leo M. Frank, said there was a possibility that he might not be called upon to act in the case.

The Board of Prison Commissioners of Georgia who would be called upon to review the case and make recommendations to the Governor, was not now in session, he explained, and would not convene until June 1. His term as Governor expires June 26. It would probably take some time for the board to review the evidence, and their recommendations might not be in before the time for his successor, Judge N. E. Harris, to take office.

"Frank's attorneys, however," Governor Slaton continued, "may ask the Board of Prison Commissioners to go into extra session to consider the case, and this request may be granted. In that event it is probable that their recommendations may be in my hands in time for me to act before the date set for the execution. If this is not the case it is probable that a stay of execution will be asked that the board may have more time."

SENTENCES THIEF TO MARRY

Judge, After Seeing Fiancee, Sure She Will Punish Him.

Although he had just escaped a term in jail for larceny, one Nicola Chiangone wore an air of gloom and apprehension as he walked out of the County Court in Brooklyn yesterday afternoon. Nicola had been before Judge Dike charged with stealing some jewelry from his fiancée and then jilting her.

"When I allowed you to plead guilty," said Judge Dike to Nicola, "I understood that you intended to marry the girl who was the complaining witness against you. I have seen the girl since then and I have also seen you. I am going to leave your punishment to her. You are going to get all that is coming to you from her—that is, after you marry her. Then you will see the force of those lines of Kipling, 'The female of the species is more deadly than the male.' I am going to let you marry this woman, and may God have mercy on your soul."

Nicola paled and turned away with a low moan. The court directed a probation officer to see to it that the sentence to matrimony was carried out.