

The climax in the case of LEO M. FRANK, condemned to death for the murder in April, 1913, of MARY PHAGAN, was reached in the hearing on his petition for a commutation of his sentence to imprisonment for life before the State Prison Commission in Atlanta last Monday. The hearing occupied seven hours, and is without precedent in legal annals. There was no opposition to the petition, which was supported by a letter written before his death by the Judge who had presided at FRANK'S trial; by the brother of the Judge, who set forth the facts which influenced his doubt of FRANK'S guilt; by a large number of residents of the State of Georgia, in which, we had been led to suppose, belief in FRANK'S guilt was still unshakable; by ex-Governor Foss of Massachusetts, as head of a committee who had gone to Atlanta to testify to the excellent character of FRANK while he was a resident of their State; by a delegation from Chicago; by petitions from responsible citizens of many States. Atlanta clergymen urged the commutation of the sentence on the ground that the guilt of the accused had never been clearly proved. Other clergymen from other parts of the State supported the petition. A number of the foremost physicians at Atlanta testified, by affidavit, that FRANK had no taint of physical or mental degeneracy. Belief to the contrary, founded on falsehood and misunderstanding, had been largely instrumental in fastening the presumption of crime upon him.

The statement of FRANK'S patient, affectionate wife, whose testimony had been excluded at his trial, of their mutual relations, of her unbroken faith in him, conclusively denying the assertion that there had been an estrangement after the arrest of FRANK, was straightforward, and its unaffected pathos must have had its due effect on the Prison Commission. If a second trial had been granted to FRANK, after the subsidence of the intense public excitement which prevailed when he was tried, when, in the words of the late Judge ROAN'S brother, "a spirit of mob violence permeated the whole atmosphere of Atlanta, and even entered the courtroom," all the testimony favorable to him now in the possession of the Prison Commission would have been heard, and there is good reason to believe that he would have been acquitted. There is ample evidence that many of the people of Georgia are now convinced of his innocence. Throughout the country the conviction is strong that he is the victim of legal error. In his unfortunate position he asks only the poor favor of life imprisonment, but he has never wavered in his assertion of his complete innocence. As we have said, the climax of this case is practically without a precedent. Innocent men may have been convicted of crime, but never has the case of a prisoner condemned to death as FRANK was for a cruel and shameful murder so strongly stirred up the sympathies of a whole nation.