

Commission, setting out the reasons for his belief that Conley, and not Frank, was the slayer of Mary Phagan. The statement will explain Smith's reason for leaving his former client, and will be based largely upon a minute analysis of the "death notes" and a comparison of those mysterious documents with letters written by Conley, while in the Tower, to a negro woman in prison at the same time.

There has been a large increase also in the number of letters from United States Senators, Congressmen, Governors of States, Judges of Courts and other prominent citizens of other States.

Among those who have written letters are Governor Earl Brewer of Mississippi, United States Senator John Sharp Williams of Mississippi, United States Senator George P. McLean of Connecticut, Congressman Joseph W. Byrns of Tennessee, Congressman E. H. Hill of Connecticut, United States Senator J. H. Lewis of Illinois, Charles K. Harris, the New York song composer, Congressman William H. Coleman of Pennsylvania, Congressman H. G. Dupre of Louisiana, Harry Pratt Judson, President of the University of Illinois; C. A. Rood, editor of The Pittsburgh (enn.P) Dispatch; United States Senator R. F. Broussard of Louisiana, Mayor James H. Preston of Baltimore, Congressman J. A. Elston of California, Congressman Cyrus Cline of Indiana, David R. Forgan, President National City Bank of Chicago, and Judge Louis C. Barley of the Corporation Court of Alexandria, Va.

Frank and Conley were subpoenaed as witnesses in the \$10,000 damage suit of the Phagan girl's mother, Mrs. J. W. Coleman, against the National Pencil factory. They were cited to appear before a Commissioner next Wednesday, and counsel for the plaintiff will seek to establish by them that the girl was killed in the factory.

While Frank is testifying before the Commissioner the State Prison Commission is expected to be hearing his petition for commutation of the death sentence to life imprisonment.

Special to The New York Times.

ATLANTA, Ga., May 28.—As the date approaches for the hearing by the Prison Board of Leo M. Frank's plea for commutation of his death sentence, the letters received by Governor Slaton and the Board in behalf of the condemned man have almost doubled in number.

The following telegram, directed to the State Prison Commission, was received in the Governor's office late this afternoon from United States Senator John W. Kern, of Indiana:

I have followed proceedings in the Frank case step by step with great and increasing interest, and as a lawyer with forty years' experience I beg you to spare this man's life. He will die a martyr in the estimation of millions of American citizens if you permit him to be executed. I have an abiding opinion that the great-hearted Georgians of your board will be guided by sentiments of humanity as well as justice and will give this unfortunote creature the benefit of the doubts which must fill the minds of all impartial men.

JOHN W. KERN,
Washington, D. C.

Prominent Georgians are writing letters beseeching executive clemency for Frank, and it is noticeable that the majority of these letters come from the smaller towns and rural districts. It is also noticeable that a large number of these Georgia letters come from lawyers, a majority of them residing in the smaller towns of the State. Dozens of women are also writing urgent pleas.

A significant plea is made by Robert C. Alston, a leading Atlanta attorney and former President of the Georgia Bar Association. Mr. Alston says that he has no acquaintance with Frank, having seen him only once and for a moment. He sets forth in detail the reason for his opinion that the death penalty was unjust, declaring prejudice against Frank existed at the time of his trial; that there had been a quiet movement to intimidate Judge Roan and others; that Judge Roan had expressed a doubt, and that the Appellate Courts had all been divided. He expresses the opinion that James Conley, the negro, is the real murderer of Mary Phagan.

Another Atlanta attorney who urges commutation is John A. Boykin. He says he knew Judge Roan intimately, and indorses the information given recently in a letter by Judge Arthur G. Powell who said the Presiding Judge frequently had expressed his doubt as to Frank's guilt.

"Judge Roan, upon more than one occasion," wrote Mr. Boykin, "expressed similar doubts to me."

Mr. Boykin added he believed from conversations he had had with Judge Roan that the latter had been intimidated by threatening letters which he had received during Frank's trial and while a motion for a new trial was pending.

William M. Smith, attorney for "Jim" Conley, announced today that he was preparing a statement for the Prison