

FRANK MAKES PLEA FOR LIFE SENTENCE

**Lawyers Convince Him It Is
Best Not to Ask for a Par-
don at This Time.**

REAFFIRMS HIS INNOCENCE

**Hopes Commission Will Visit Scene
of the Crime and Study Evidence
on Which He Was Convicted.**

Special to The New York Times.

ATLANTA, Ga., April 22.—Leo M.

Frank, through his attorneys, filed a

petition with the State Prison Commis-

sion this afternoon requesting that the

death sentence passed on him for the

murder of Mary Phagan be commuted

to one of imprisonment for life. The

petition is in the form of an affidavit

sworn to by him before a notary public.

It was executed in Frank's cell at the

Fulton County Tower. It reads:

To the Honorable Prison Commission and

the Governor of the State of Georgia:

The application of Leo M. Frank for

Executive clemency respectfully shows:

On Aug. 26, 1913, I was convicted in the

Superior Court of Fulton County of murder,

and I am now under sentence of death pro-

nounced on said verdict. I ask that this

sentence be commuted to life imprison-

ment upon the following grounds:

I am absolutely innocent of the crime of

which I was convicted. My death would

neither avenge it nor punish the real perpe-

trator. I have no personal knowledge of

the crime other than the facts related by

me in my statement made at the trial.

Beyond these facts, I know no more than

any other person who was present in the

courtroom and heard the evidence.

The main evidence on which I was con-

victed was of a questionable and unrelia-

ble character. My alleged guilt has not been

established beyond a reasonable doubt, but,

on the contrary, conflict of testimony,

uncertainty, and doubt still exist as to

every material feature of the case made

against me.

I do not undertake to set out herein, in

full, all the reasons on which I ask clem-

ency, but request permission to do so at

the hearing. I file herewith four printed

copies of the brief of the evidence intro-

duced at the trial and urge that they be

given the most careful consideration.

An examination of the building and prem-

ises of the National Pencil Factory is nec-

essary to a clear understanding of the evi-

dence, and I earnestly request that before

beginning the examination of the record a

personal inspection of this building and

premises be made. Respectfully sub-

mitted, LEO M. FRANK.

Although Frank has always insisted

that he did not want to apply for

commutation, but only wanted a fair

trial, so that he might establish his

innocence and be vindicated by the ver-

dict of a jury, his lawyers convinced him

that, in view of the various adverse

court decisions, an application for com-

mutation was the best policy. They

pointed out that if the sentence be com-

mutated Frank and his friends can con-

tinue their fight to prove his innocence

and restore him to liberty.

Frank admitted that his view about

commutation was largely sentimental

and agreed with his lawyers that the

course they proposed was the only prac-

tical one under the circumstances. When

the petition is heard by the Prison Com-

mission it is understood a mass of evi-

dence will be tendered to support the

plea for clemency.

Frank's lawyers are confident of fa-

vorable action on the petition. They

believe the letter written by the late

Judge Roan, who presided at Frank's

trial, in which he stated that, if living,

he intended to appear before the com-

mission in Frank's behalf, will be suffi-

cient to obtain commutation.

The attorneys still refuse to make

public this letter in advance of the

hearing.

CANNOT SEE HER HUSBAND.

Court Denies Mrs. Walter's Appeal

to Visit Incompetent.

Mrs. Anna Kuethe Walter failed yes-

terday to get from Justice Weeks of the

Supreme Court an order permitting her

to see her husband, Herman N. Walter,

the rich carpet manufacturer of Yonk-

ers. In an affidavit she said that Mr.

Walter was not at all violent, but that

he has a tendency to melancholia, and

"is practically a prisoner in a cottage

at Harrison, N. Y., under the influence

of his brother and nephews, who would

naturally be beneficiaries if he died."

Mr. Walter is estimated to be worth

\$1,200,000. He is 75 years old. His wife

was his housekeeper when he married

her on Jan. 25, 1913. His family began

an action to annul the marriage, on the

ground that he was not competent to

enter into any contract when the mar-

riage ceremony was performed.

The affidavit of Mrs. Walter, which

the court rejected yesterday, also said:

"The anxiety and strain upon Mrs.

Walter, mentally and physically, at not

being allowed to see or converse with

her husband is so great that, in the in-

terest of ordinary humanity, she should

be permitted to see him."

Counsel for Mrs. Walter said the

action for an annulment of marriage

had been on the calendar of the Su-

preme Court for more than a year.

The committee having charge of Mr.

Walter submitted affidavits, saying that

Mrs. Walter was not the common-law

wife, as she asserted, but only the

housekeeper, of Mr. Walter before the

ceremonial marriage.

FAVORS DIVORCE FOR SWAN.

Referee's Report Upholds the

Charges Against Wife of Man

Prominent in Brooklyn.

Recommending a divorce decree in fa-

vor of Halstead Swan, prominent in

Brooklyn society, who has brought an

action against his wife, Florence Berry

Swan, to dissolve their marriage, the re-

port of former Lieut. Gov. M. Linn

Bruce, as referee, was filed yesterday

afternoon with Supreme Court Justice

Blackmar. The attorney for Mrs. Swan

objected to a motion to confirm the re-

port, and Justice Blackmar reserved de-

cision, giving until April 26 to submit

briefs.

The plaintiff is a grandson of William

C. Kingsley, one of the builders of the

Brooklyn Bridge and a political power

at one time in Brooklyn. He is a brot-

her of Kingsley Swan, whose marriage to

Mabel Lorraine Miller, daughter of Al-

vah Miller, a wealthy paper manufact-

urer of 839 Carroll Street, Brooklyn, also

ended in a divorce action. Kingsley

Swan is one of the heirs to a fortune of

almost a million left by his grandfather,

Mr. Kingsley.

Mr. and Mrs. Halstead Swan were

married on Nov. 5, 1908, in Hoboken.

They lived together until Oct. 5, 1911,

when they separated by agreement.

They have one child, William Kingsley

Swan, 5 years old. While the referee's

report recommends a divorce decree for

Mr. Swan, it asks that the court award

the custody of the boy to his mother

on the ground that she has "always

cared for him in a loving and an affec-

tionate manner." In the opinion of the

referee Swan is not a fit person to

have the custody of his boy "by reason

of his habits, associates, and conduct,"

but the report recommends that he be

permitted to see the boy once or twice

a week and pay \$100 a month for the

child's support.

In the testimony taken by the referee

and submitted in his report to Justice

Blackmar, the wife of the plaintiff is

accused of misconduct with Lester P.

Deeves in the latter part of February,

1913, at her home, 43 East Fifty-eighth

Street, Manhattan, where she went to

live after she separated from her hus-

band.

Deeves, who is a grandson of Richard

Deeves, a wealthy builder, admitted

having entertained Mrs. Swan, but de-

denied charges of improper conduct with

her.

Mrs. Swan also denied the charges,

and accused her husband of abusing her.

At one time, she declared, he wrenched

a ring from her finger and suggested

that she go to Reno and get a divorce.