

of the personal risk he incurred is evident from his statement. But the risk involved in refusing commutation was infinitely greater. "Feeling as I do about this case," said Governor SLATON, "I would be a murderer if I allowed this man to hang." Only a blending of desperate courage and ignoble cowardice could prepare any man to put himself in that odious position.

Governor SLATON feels that because of this act he must live in obscurity the rest of his days. His view is too narrow. He quite misunderstands what awaits him. If he but look beyond the boundaries of the State of Georgia, if he can know and feel to how high a place he has raised himself in the esteem and admiration of the whole country, aside from the blind prejudiced part of the people of his own State, the satisfaction which the consciousness of a righteous deed courageously performed has brought to him will be unmingled with the regret due to any temporary annoyances from which he may suffer. He has distinguished himself above all the Governors of Georgia, not one in that long list has done the State a greater service. That is an enviable fame and it is one, we are confident, which, as passion cools, he will fully enjoy in his own community. Had Georgia sent FRANK, an innocent man, to the gallows, the good name of the State would have been blackened and its people would have been under reproach. Governor SLATON has saved Georgia from herself. He has done what could be done to save the reputation of her courts of justice. He has spared her people the pain of an endless remorse, for the time will certainly come when they will perceive the dangerous error into which so many of them have been betrayed. Governor SLATON is not going into obscurity, he has made his name illustrious as a man who in the face of danger did his duty.

It is very evident that Governor SLATON had convinced himself that FRANK is innocent of the death of MARY PHAGAN. It was his privilege to review the evidence of the case. That the Supreme Court could not do. The courts in the many proceedings that have been had since the verdict of the jury was rendered have taken into account only the regularity of the procedure in the strictly legal sense. They found no cause for ordering a retrial. In law FRANK's resources were exhausted. But Governor SLATON, after a full hearing of argument and appeal on both sides, applied himself to a diligent study of the facts and the evidence. He examined them as a lawyer and as a Judge, and the conclusions he reached were those which have been formed in the minds of thousands of other persons who have attentively scrutinized the record. FRANK was convicted upon the evidence of the negro CONLEY. That evidence Governor SLATON subjects to a perfectly destructive analysis. Instead of convicting FRANK, the negro's story directs the finger of suspicion unerringly toward himself. Its inconsistencies and contradictions are clearly pointed out by the Governor, and he makes it plain that the truth of much that CONLEY had to say about FRANK is impossible. The view of the negro's testimony which he sets forth in his statement accords with the practically unanimous opinion formed by those outside the State of Georgia who have studied the case. Under impartial review the evidence not only does not prove beyond reasonable doubt the guilt of FRANK, it establishes his innocence beyond any doubt that could be called reasonable. FRANK cannot be held guilty without clearing CONLEY, and CONLEY, on his own testimony, is not in a position to be exculpated.

Having reached these conclusions, the question may be asked why Governor SLATON did not pardon FRANK. It is certainly not right or just that an innocent man should spend his life in prison. Manifestly there were practical reasons of great weight which inclined the Governor's judgment toward commutation. In the first place, FRANK, through his counsel, had asked for commutation, not for pardon. Furthermore, FRANK has a right to demand a vindication more complete and incontestable than any that Executive clemency can give him. It is entirely reasonable to expect that in the due course of time he will get that vindication, that he will go forth a free man, and that he will be exonerated even in minds now prejudiced against him. Moreover, it would have been dangerous to set him free at this time. The temper of the crowds in Atlanta makes that clear. His own safety is assured by the course the Governor has taken, and there is the further practical assurance that the opportunity will come at no distant date when he will regain his freedom under a title that cannot be called in question.

GOV. SLATON'S COURAGEOUS ACT.

The commutation of the death sentence of LEO M. FRANK was the act of a righteous and fearless man. Believing as he did that FRANK had not been proved to be guilty, it was Governor SLATON's duty to prevent the execution of the sentence, but it was duty that called for courage of a high order. The prevailing public sentiment in Atlanta and in the State of Georgia is hostile to FRANK, there is an obstinate, unreasoning belief in his guilt. But while argument and evidence would be wasted upon the mob that has raged for the infliction of the death penalty, intelligent public opinion in Georgia sustains the action of Governor SLATON. In his resolve to commute the sentence he had therefore not only the approval of his own conscience but the support of the enlightened part of the community. That the Governor was well aware