

Notification has been brought to me that Gov. Flower has refused to interfere with the execution of the sentence of the lower court in my case.

Evidence has come to light that my wife was for years before her death addicted to the use (or misuse) of the drug from an overdose of which she died. I am sentenced to death upon the supposition that I substituted a capsule containing five grains of morphine for one of the harmless capsules I prescribed for her ten days before her death.

Now it is self-evident to any one having knowledge of medicine that no one addicted to morphine could be murdered with five grains of that drug, because for such a person five grains would not be a fatal dose.

Upon this fact was based my motion for a retrial, which Recorder Smyth denied, and later my plea for Executive interference.

In recognition of this last plea a Commissioner was appointed to investigate the credibility of the witnesses who had volunteered testimony as to my wife's habit. Their evidence remained unshaken, and, though the prosecution attempted a rebuttal, they did not dare to produce in open court the witnesses whose affidavits were the most important of those on which Recorder Smyth denied my motion for re-trial. I refer to Eunice Rockwell, Rachel Cookson, Dr. Treverton, and Dr. Hand, who in their affidavits forswore the testimony given on my trial, as I have shown, and to Dilworth Choate.

Hence it was established before the Governor's Commissioner by the testimony of Dr. Kinmouth, Dr. Woolman, Miss Jackson, Miss Waddell, and others, that my wife purchased morphine frequently and that she foolishly used it to quiet neuralgic pain. It is not claimed, and never has been, that my wife wilfully destroyed herself, for she was beloved and happy. But the fatal mistakes of those who self-administer morphine are matters of record all over the world.

When charges of murder were first preferred against me I delivered myself at once into custody, demanding an investigation. Again, on the 20th of April last, although under sentence of death. I refused to take advantage of an opportunity to escape. As to this last matter. Keepers Murphy and Hulze and other prison officials will bear me out.

So how is it that in a case where so many facts and the entire behavior of the defendant all invite Executive clemency, together with the petition of over 50,000 citizens, among them many who are prominent in the national esteem, such clemency should be denied? Because the action of the court was not justified by the facts in the case, and hence public outcry must be silenced by a seeming justification of the court outside of the facts. Where there was no doubt of guilt Gov. Flower has not hesitated to interfere, as in the case of James Minnaugh about a year ago: but in that case the facts justified the court, and there was no Recorder Smyth clamoring to be upheld. Carlyle Harris living would be a daily menace to the career of Smyth, Wellman, and others. Dead, he will soon be forgotten and the affairs may go on as before.

There is an idea in the minds of many that at the time of my wife's death I desired marriage with some other woman. Such a person has never been found, nor does she exist. It is my misfortune that I have been prosecuted by libel and innuendo through the columns of the press rather than by means of witnesses in court.

I desire in this utterance to express my great thanks to those members of my jury who have bravely declared that had they known of the newly-found evidence at the time of my trial they would have acquitted me. And yet I beg that the witnesses who did not bring forward their knowledge until too late will not upbraid themselves. I have for them no thought of blame. Individually they did not realize the pertinence of what they knew, nor could they be expected to.

Also to those many friends who have labored so diligently to bring the truth to light I send my thanks: that they are in my thought at such a time as this is an earnest of my gratitude. It has been reported in the newspapers that during my stay here in Sing Sing I have scoffed at the devotions of my fellow-prisoners and indulged in irreverent jokes. This is cruelly false. I still enjoy the hopes of my childhood's faith and believe that I shall not be misjudged through all eternity.

The Governor states that he has been finally convinced of my guilt by the affidavits of Eunice Rockwell and Rachel Cookson. These affidavits are identical as to phrase and were evidently both dictated by the same person. It is my honest belief that they were signed unread, for on the trial Miss Cookson gave testimony that directly conflicts with her later affidavit, and the District Attorney did not dare to bring any of these witnesses before the Commissioner and submit their statements to cross-examination.

No one had so many reasons, all sentimental love aside, for desiring my wife to live as I had. She would have brought me money and professional success: she would have graced my home, and had I known of her sad habit it would have been my happiness to shield and cure her.

I have now to die; the manner of my death is of small moment to me. I have waited patiently so long as there was the remotest chance of obtaining justice, refusing to run away even when under sentence of death.

May God in mercy bless and guard those I leave behind and give them peace.

And now, face to face with the greatest mystery known to man, knowing that no concealment or untruth can mitigate my end, I do solemnly declare that I am innocent of the crime for which I am condemned to die.

I beg that those who think or speak or write of me in years to come will do so as kindly as they

can, not forgetting that, when much proof of my innocence was found, it was inhumanly thrust aside.

SING SING NY May 6 1893.

This statement to be copied for publication and the original given to my my mother.  
Carlyle Harris.