

Judge May Resign to Avoid Passing a Death Sentence

Special to The New York Times.

DANVILLE, Va., Sept. 12.--When Judge R. B. Bailey of Pineville, W. Va., came here today to enroll his daughter in college he found that he had been ordered by a Supreme Court decision rendered yesterday to sentence Clyde Beale to hang.

Since the trial the Judge has become doubtful of the convicted man's guilt, and he indicated that he might resign his commission rather than carry out the court's order.

"If I don't," he said with a smile, "I face trial for contempt of court."

Judge Bailey in 1926 sentenced Beale to die after conviction for murder. After an appeal and affirmation of the sentence by the Supreme Court new evidence was discovered, and Judge Bailey, doubtful of Beale's guilt, resented him to ninety-nine years in the penitentiary. The State, by mandamus, sought to compel reimposition of the death sentence, and the Supreme Court so ordered.

SAVED FROM THE GALLOWS.

Clyde Beale Has Sentence Com- muted by W. Va. Governor.

Special to The New York Times.

MOUNDSVILLE, W. Va., May 11.

—Clyde Beale, who has waited for two years to find out whether he would be hanged or live, was snatched yesterday from the shadow of the gallows on the eve of execution.

While 2,000 prisoners stood in the prison yard and cheered, Beale walked from the death cell with his aged mother weeping for joy. His sentence was commuted by Governor William G. Conley, the new chief executive.

Beale was convicted of the murder of Mrs. Rissie Purdue at Vulcan, in May, 1926.

Convinced later that Beale was convicted on perjured testimony, Judge Bailey, who presided at his trial, ordered him brought into court and changed the sentence to life imprisonment. Prosecutor Lafe Chafin went to the Supreme Court and obtained an order directing Judge Bailey to re-sentence Beale to hang. Judge Bailey refused, saying he would leave the bench before he would comply. This he did.

Beale was sentenced to hang by another judge.