

It may be possible that his version is correct. The testimony discloses that he was in the habit of allowing men to go into the basement for immoral purposes for a consideration, and when Mary Phagan passed by him close to the hatchway leading into the basement and in the gloom and darkness of the entrance, he may have attacked her. What is the truth we may never know.

Jury's Verdict.

The jury which heard the evidence and saw the witnesses found the defendant, Leo M. Frank, guilty of murder. They are the ones, under our laws, who are chosen to weigh evidence and to determine its probative value. They may consider the demeanor of the witnesses upon the stand and in the exercise of common sense will arrive with wonderful accuracy at the truth of the contest.

Judiciary.

Under our law, the only authority who can review the merits of the case and question the justice of a verdict which has any evidence to support it is the trial judge. The Supreme Court is limited by the Constitution to the correction of errors of law. The Supreme Court found in the trial no error of law and determined, as a matter of law, and correctly in my judgment, that there was sufficient evidence to sustain the verdict.

But under our judicial system, the trial judge is called upon to exercise his wise discretion, and he cannot permit a verdict to stand which he believes to be unjust. A suggestion in the order overruling a motion for a new trial, that the judge was not satisfied with the verdict, would demand reversal by the Supreme Court.