

is impotent to right the wrong it has done.

The prevailing public belief outside the State of Georgia is that FRANK has not had a fair trial, that his guilt has not been proved. The public cannot know that he is innocent, it does know that there is an immense preponderance of probability in favor of innocence, it does know that the conditions under which he was tried and found guilty were such that an absolutely innocent man would shrink from them with horror. The most innocent man on earth would turn pale with fear had he to make his defense before a jury standing in such terror of mob violence that it dared not return a verdict of acquittal. The highest court has said that FRANK has enjoyed his constitutional right to due process of law. The procedure was in proper form, due respect was paid to the sacred technicalities. But the eternal truth is that the trial was not a fair one, that justice was not done. The trial Judge himself was not convinced of the prisoner's guilt. And the circumstances set forth in Justice HOLMES'S statement of undisputed and indisputable fact leave in the public mind the positive conviction that justice has not been done to FRANK.

The case is remitted to the State of Georgia, not to its courts, but to its Governor, its people. There are today countless men in Georgia who believe FRANK innocent, or at least that his guilt has not been proved, yet they dare not say so, so powerful even yet is the mindless mob passion that rages for the death of this victim. Yet we find it impossible to believe that the State of Georgia would send FRANK to the scaffold. It would not have the reckless hardihood to defy the overwhelming public opinion of the country, the Commonwealth would never consent to blacken its own reputation by such a crime against justice. The remedy which the courts, enslaved to their own forms of procedure, have denied, the State for its own sake would be compelled to grant.

We cannot but feel that it was a mistake for FRANK'S counsel to file their petition for a commutation of the sentence to life imprisonment. The course they have taken is illogical and inconsistent with their belief in his innocence. It carried with it the suggestion that they doubt his innocence, which is not true. They have been misled, evidently, by the compromising spirit—they ask for commutation which they will undoubtedly get, in the hope that, FRANK'S life being spared, the time will come when justice and vindication will come. Demanding pardon, they would have shown a firm and consistent adherence to their belief that he is not guilty, and then, had the Prison Commission modified the sentence to life imprisonment, they would have had the same opportunity they now enjoy for continuing their efforts in his behalf and their position would have been stronger and better. It was a mistake to ask the State for mercy, for mercy is not justice, and justice is the only remedy.

JUSTICE, NOT MERCY.

"I am not asking for mercy," said LEO M. FRANK in his Atlanta prison when informed that his attorneys would ask the Prison Commission not for pardon, but for a commutation of the death sentence to imprisonment for life. "I am innocent and have been unjustly convicted. What I want is justice and vindication."

FRANK is the victim of a monstrous injustice. The case calls for a remedy, commutation would be but a palliative. Hardly that, for in the judgment of most men life imprisonment is scarcely less terrible than death upon the scaffold. To be shut up in prison for life is a punishment, punishment implies guilt, and this man's guilt has not been proved. A full pardon is the only way when the law