there has been a substantial denial of justice.

What the public looks at is not the rules of criminal procedure, but the conditions at the first trial. Suspicion was directed toward FRANK by the accusation of an abandoned woman, who afterward retracted her charge. He was convicted altogether upon the testimony of a degenerate negro, CONLEY, now undergoing sentence as an accomplice in the crime. CONLEY'S counsel declares that he believes his client and not FRANK was the murderer. Aside from the evidence of previous character, there being nothing in the antecedent behavior and repute of FRANK to make it supposable that he could be guilty of such a crime, while the character of CONLEY was such as very naturally to throw suspicion upon him, there was a good deal of evidence of a substantial nature which seemed to make the negro's story incredible. All these matters, however, were for the jury, and the jury found FRANK guilty. In what circumstances was the verdict rendered? In the answer to this question will be found a statement of the facts upon which is based the public belief that to deny a second trial to FRANK is to deny him justice.

There had been a great public outcry against the prisoner. Three newspapers in Atlanta had by all the devices of sensation-mongering roused the community to a dangerous pitch of excitement. Atlanta clamored for a death sentence. Out of these conditions it would seem that a case might have been presented for a change of venue, but FRANK was tried in Atlanta. The state of public feeling may be judged from the precautions taken to protect the jury and to protect the prisoner. The verdict was to have been rendered on a Saturday. But it was represented to the court that to bring in a finding on a holiday, when an unusual number of idle persons would be present in the courtroom, would be unwise and imprudent. The return of the jury was, therefore, postponed until Monday. Even then, although the militia was held in readiness for any emergency, the court, the prosecuting officer, and the counsel for the defense agreed that for his own protection the prisoner should be absent from the courtroom when the verdict was read: it was feared that in case of acquittal violence would be done. FRANK, therefore, remained in his cell, a verdict was rendered in his absence, and thus his constitutional right was waived.

In the motions for a new trial to set aside the verdict, and to take the case to the Supreme Court on a writ of error, this question of FRANK'S constitutional right has been prominently brought forward. But the question uppermost in the public mind, outside of Atlanta, is not of FRANK'S presence or absence from the courtroom when the verdict was found, but whether in a community stirred to passion against FRANK and clamoring for his conviction it was possible to give him a fair trial. The jury could not have been ignorant of the state of public feeling. It must have known why he was absent from the courtroom, it must have heard why the militia was kept ready for instant service. Certainly it heard the remark of the trial Judge that the evidence had not convinced him either of the prisoner's guilt or innocence. Beyond question that statement denoted reasonable doubt in the mind of the court. The Judge might even have been warranted in taking the case out of the jury's hands or in directing a different verdict. The jury found FRANK guilty, and all the subsequent efforts of his counsel in his behalf have been futile. The verdict stands, and unless on application to another Judge of the Supreme Court a writ of error is granted the court will appoint a day for his execution.

We should suppose the people of Atlanta would be moved by a consideration of these facts to an examination of their own attitude, that they would take some account of the relation of the Frank case to the repute of their city. The ruling of the Georgia Supreme Court that it was too late to bring up the question of the waiver of FRANK'S constitutional right did not touch the question of his guilt or of the fairness of his trial. Yet in the public mind that is the supreme question. Has there been a denial of justice in the City of Atlanta and in the courts of the State of Georgia? In other States the belief prevails that justice has been denied. It is a pretty serious matter for Atlanta.

IS IT A DENIAL OF JUSTICE?

The refusal by Justice LAMAR of a writ of error which would have brought the case of LEO FRANK of Atlanta before the Supreme Court of the United States does not remove from the public mind a very deep-seated impression that FRANK, now under sentence of death for the murder of MARY PHAGAN, has not had a fair trial. The proceedings in court, one after another, have taken the usual course. One familiar with the criminal law would probably detect no deviation from the customary practice. The denial by a Justice of the Supreme Court of the last motion made is a sufficient attestation of that. The fact remains that outside of Atlanta there is a very general belief that FRANK did not have that fair trial to which every accused and indicted man is entitled, and it is hard for the public, even in the face of all these judicial determinations, to resist the conclusion that thus far