

no move to assist the courts, shall it let the execution take place and the mistake be made irreparable, or shall it take action to save the human life and spare the courts the dreadful consequences of the mistake? According to the reasoning of our Macon contemporary, the friends of a patient in whose case a "mistake" had been made would say to him: "The doctor mistook the bottle and gave you a deadly poison instead of the intended medicine. We might get him to give you an antidote, but that would be to acknowledge that he had made a mistake, which would bring the medical profession into disrepute. That you should die is of little consequence compared to the effect of a crusade against the doctors."

The courts of law, says our Macon contemporary, are the only protection which a citizen has. "If he cannot appeal to them with the assurance that justice will be done, that his rights will be guarded, and that his life and property will be protected," and so on. Human reason never more defiantly stood on its head and kicked thoughtless heels in the air than in this amazing sentence. How could the infliction of the death penalty upon an innocent man increase the confidence with which the citizen, high or humble, could appeal to the courts for the safeguarding of his life, his rights, and his property? It has been practically demonstrated that FRANK is innocent. The more the Frank case is studied, the more the conviction grows that he is innocent, and those who have studied it most deeply have no doubt at all that the guilty man is another than FRANK. Yet The Macon Telegraph, if its strange article means anything, means that FRANK nevertheless should be allowed to go to the scaffold rather than that the courts should be "brought into disrepute" by establishing the wrongfulness of the jury's verdict and providing for a new trial where he will have full assurance that his rights and his life will be protected.

On this doctrine JEFFREYS would have escaped all censure, and no impeachment trial would have been held. Counsel with their witnesses, their proofs and their precedents are the friends of the court, assisting Judge and jury to a just conclusion. In the FRANK case it is established beyond every doubt that the court's friends for the prosecution and for the defense left many things undone that would have enlightened its mind, that would have added much to the jury's knowledge and very likely have changed completely its verdict. All that is now proposed is that new friends of the court and the jury shall proffer their assistance, shall produce the new evidence that has been discovered, and convince another jury of the mistake of the first trial while there is yet time to correct it. Bringing the courts into disrepute? Why this is the very way, the only way, to avert distrust and restore the reputation of the court. From every point of view the doctrine of our Macon contemporary is monstrous, that it is better that an innocent man should suffer death than that "our legal system should be brought into disrepute," but it is most of all deplorable from the point of view of the court. The execution of this prisoner would not end the case. It would mark the beginning of its most dreadful phase. Through the endless years the story would be told how the City of Atlanta and a court in Atlanta sent an innocent man to his death. And the horror of the tale would be enhanced by the added fact that proofs of innocence were produced while there was yet ample time to retrieve the error, yet redress was refused and the penalty inflicted. If such things are to be, the courts will be looked upon not as the guardians and protectors of life and liberty, but as places of peril to the innocent no less than to the guilty.

THE COURTS AND THE FRANK CASE.

We find in this comment of The Macon Telegraph upon the Frank case a wonderful example of topsyturvy reasoning leading to a monstrous conclusion:

What is to become of JIM CONLEY, a confessed brute, or of LEO FRANK, who has been convicted in the courts, is of little consequence when compared to the effect which the recent crusade against the courts will have upon them. If a mistake is made involving a single human life it would be deplorable, but it is better that such a mistake should be made than that our legal system should be brought into disrepute. The courts of law are the only protection which the citizen—high or humble—has. If he cannot appeal to them with the assurance that justice will be done, that his rights will be guarded, and that his life and property will be protected, then our system of government is on the ragged edge.

A mistake has been made—there can be no doubt about that. There is still time to correct the mistake, for the "single human life" has not yet been taken. Shall the community make