

would be a perpetual blot on the honor of the State. Now that the popular clamor has subsided, he can be tried fairly.

ONLY ONE FAIR COURSE.

Judge HILL's decision to sustain the State's demurrer to the motion of counsel for LEO M. FRANK to set aside the verdict against him, on the ground that the prisoner was not present in court when the verdict was rendered, carries the settlement of that point to the Supreme Court of Georgia, which already has before it a motion for a new trial of the case. If the new trial is ordered by the Supreme Court before the decision of Judge HILL on the demurrer is argued before it, the interests of justice will probably be better served. A new trial is the only just solution of the pitiful problem in the Frank case.

Judge HILL's decision on Saturday reverses his position in the Lyons case, celebrated in Georgia criminal annals, in which, as a member of the Court of Appeals, he ruled that the defendant in a criminal trial has a right to be present in court at every stage of the proceedings. The Judge still stands by this ruling, but he found it expedient to pass this matter up to the Supreme Court. To FRANK, facing the prospect of more weary months of incarceration before the next step can be taken, and to his friends and sympathizers this seems a cruel outcome of the latest appeal, but it may be all for the best. The many persons throughout the country who believe that a miscarriage of justice has been threatened in the Frank case will hope that the Supreme Court will hear the extraordinary motion for a new trial before the technical point of FRANK's absence from the courtroom when the verdict was rendered is brought before it.

That FRANK was unfairly tried and is guiltless of the murder of MARY PHAGAN many persons all over the country firmly believe. He is clearly entitled to a new trial. If the verdict should be set aside on a technicality and FRANK could not be retried, the case would never be cleared. There