

irritability has been confessed by many great lawyers and eminent Judges, for they, too, have declared again and again that justice suffers from the needless delays and complexities of established procedure.

It is consolatory and encouraging, however, in the present instance, to remember that almost all of the authoritative criticism of "the law"—the criticism intelligent because founded on knowledge—is that these delays and complexities tend far more to save the guilty from deserved punishment than to bring undeserved punishment on the innocent. That peculiarity often tries our tempers, but it does not directly threaten our own lives and liberties, and no abnormal optimism is required for believing that FRANK will not go to the gallows until after his guilt of the crime with which he is charged and stands convicted has been really proved.

**Each Nation
Is Now
Articulate.**

As the high officials of each country now at war, thanks to wireless telegraphy, can now spread broadcast through the greater part of the world—through all the parts that really interest them—whatever statements, true or false, they choose to make, the cutting of cables is of so little use that there is some excuse for wondering why it is still done.

The belligerent Governments can, indeed, suppress or censor the wireless stations in the territory under their own control, but they cannot stop "the enemy" from sending out what he pleases, and they would not deem it either safe or expedient to refrain from "receiving" any messages that may be flying through the air. What they will do with the messages after they have been taken is, of course, another matter, but the silencing of any nation, so that it cannot communicate with neutrals, is no longer possible.

The effect of this is that both sides of every story and case come out and have to be answered—an effect which ranks high among the many benefits of wireless telegraphy.

**Football
Managers
Indignant.**

Evidently the men who are exploiting in England the financial possibilities of professional football have been much disturbed by the recent reflections that have been made upon the patriotism of themselves, their players, and their patrons. All of them have been accused of putting either pocket or sporting interests above those of their threatened country, and to be turning to the recruiting officer's impassioned appeals a deaf or indifferent ear.

So the managers of the professional football clubs, who hold in England much the same position as our baseball "magnates," have met and adopted solemn resolutions, protesting against the scoldings they have received and declaring such treatment to be "unscrupulous, unwarrantable, undignified, and wholly opposed to English traditions, and an abuse of the liberty of the press."

These be fine, resonant words, but they do not go far toward proving that injustice has been done. Just saying so doesn't do it, and there is perhaps an element of impudence in the further declaration of the football managers that they will suspend their business operations as soon as the race courses, golf links, theatres, and "picture palaces"—meaning the "movies," presumably—are closed. None of these other amusements has ever claimed any relation to the strenuous life or demanded credit as training men for martial service.

TOPICS OF THE TIMES.

**Conditions
Were
Different.**

A good friend of THE TIMES writes to it, expressing a gently accusatory doubt of its ability to prove itself consistent in denying the right of Col. ROOSEVELT to demand that the libel suit brought against him by Mr. BARNES be tried elsewhere than in Albany County, when the paper had previously contended that the man charged with the murder of MARY PHAGAN could not get a fair trial in Atlanta.

The task is by no means as difficult as our correspondent thinks, for there is hardly any likeness between the two cases except that in each there arose the demand for a change of venue.

Our courts, very properly, grant such changes with strong reluctance. To do it is a severe arraignment of practically all the people in a jurisdiction as so intensely prejudiced or so wildly excited that a jury able and willing to weigh evidence and base a verdict on it cannot be found. The population of Albany County was in no such condition. Mr. BARNES is politically powerful there, of course, and he has there many serviceable friends, but he is far from all-powerful, and he has not a few antagonists. The county, moreover, was not in the slightest enraged by the familiar charge that one "boss" had been "doing business" with another, and it was not threatening violence if prompt and condign punishment were not inflicted for the utterance of words that have been heard in every political campaign.

Atlanta, on the contrary, its press and its people, decided that FRANK was guilty as soon as he was arrested, they resented and denounced every effort made to save him, and the later proceedings of his trial showed that the arguments for a change of venue were sound. Threatening mobs gathered in and about the Court House, and the Judge was so afraid of what would happen if the jury, sharing his own doubts of FRANK's guilt, brought in a verdict displeasing to the local public, that he first postponed the announcement for two days and then did the almost unprecedented thing of hearing it in the prisoner's absence.

In other words, there was good reason for asking a change of venue in the Frank case, and at most only an excuse for asking it in the Roosevelt-Barnes case. So that of THE TIMES is made out and the charge of inconsistency falls.

**Innocence
Not Now
the Issue.**

Only a lawyer can read with much either of patience or of edification the brief addressed to the United States Supreme Court by LEO M. FRANK's counsel, asking leave to file a petition for a "writ of error"—in effect, an order for a new trial, addressed by this high tribunal to the Georgia courts. That is because others than lawyers find it hard to realize that the question before the Supreme Court is not the only question which to laymen seems of any particular interest or of any importance at all.

The Supreme Court is not, and will not be, asked to decide whether FRANK is innocent or guilty, but merely whether the conditions in Atlanta at the time of the man's trial were or were not prejudicial to the obtaining of a fair verdict, whether the rulings of the trial Judge were or were not such as to give the accused his constitutional rights, and whether FRANK's counsel did or did not exhaust their privilege of appeal in the motions they have already made.

The do wholly proceedings, in short, have to do with what we laymen call—usually in irritation—"legal technicalities," and are apt to denounce—when we do not ridicule—as a waste of time. That we have some excuse for this