FRANK'S LAST APPEAL DENIED.

Without filing an opinion, but doubtless adopting the reasoning of Justice LAMAR, the Supreme Court at Washington has denied the motion made by the attorneys of LEO M. FRANK, convicted of murder in Atlanta, for a review of his case. The Supreme Court of Georgia had denied the motion for a new trial, it had said that counsel came too late with the plea that his constitutional right was withheld because of his absence from the courtroom when the verdict was rendered. By two of its Justices, and now by its full Bench, the Supreme Court of the United States declares that the acts of the Supreme Court of Georgia are final. There can be no further appeal.

This is the perfect work, not of justice, but of the forms of justice. The form denies the substance. FRANK had his trial in a city that was under terror of a mob. In advance of his trial reckless newspapers had fixed the guilt upon him, the rage of the community had been excited against him, the public clamored for his conviction and death. The trial court was terrorized. Is this denied? Then why was the militia held in readiness? Why did Judge and counsel agree that it would be unsafe to have the prisoner in court when the jury returned its verdict? Conviction was had solely on the testimony of a degenerate and criminal negro, given against a white man of previously unstained reputation. The presiding Judge at the trial said that the evidence did not convince him either of the guilt or innocence of FRANK. Justice HOLMES of the Supreme Court in denying the writ of error, said, "I "very seriously doubt if the petitioner has had due process of law." On the motions and appeals no consideration has been given to this great, vital, controlling fact, that it was not a fair trial, that it was not due process. But the sacred forms have been observed, even though the very heart and soul of Justice have been plucked out of her unresisting carcass.

It is monstrous, it is shocking. But law and legal procedure afford no remedy, they deny it. The other day an ex-Secretary of State set up the now familiar plea that although THAW killed a human being, although acquitted on the ground of insanity and sentenced to confinement as a dangerous lunatic, and although he had escaped from Matteawan to another State, he could not be returned to New York on a writ of extradition because, forsooth, in securing the writ the State charged him with the crime of conspiring to escape while the laws of the State declare that a lunatic cannot commit a crime. On that plea, supported by money enough to secure the services of Secretary KNOX, THAW will go free if the plea be successful. He will go free to continue the homicidal work to which his insane delusions prompt him. That would be another triumph of the forms. So FRANK, innocent in the opinion of candid men who have most carefully examined all the evidence, but guilty in the judgment of the jury that would itself have been in peril if it had brought in a verdict of acquittal, his guilt not proved to the satisfaction of the presiding Judge, his trial one as to which a Justice of the Supreme Court of the United States doubts whether it was due process of law, now, without further possibility of appeal, awaits his death sentence. Nothing can save him but the Executive pardon. That will spare his life, it will not give him the vindication a new and fair trial might secure, it will not remove from him the stigma of conviction and sentence, unjust though they were, and it will not blot out the record of shame which the City of Atlanta has made for itself in this case.

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