

When will our appellate judges recognize that their duty is to do justice, not simply to see that the judicial machine is run according to rule? When will our tribunals arrive at that very different point of view of the English and Continental Courts? Not so long as in American courts, Procedure is King; for while the claims of this tyrant are respected, it matters not what may become of Justice.

Frank now made his last appeal to the Governor of the state in whom is vested the ancient prerogative of the King—the power to pardon one unjustly convicted or to mitigate a punishment which he finds too severe. And the Governor of Georgia, after a patient and exhaustive examination of all the evidence, was of opinion that there was a reasonable doubt of his guilt and that the jury had made a grievous mistake in convicting him. And it will be difficult to find an unprejudiced reader of the evidence as set out in this volume who will not agree with him. Conley's story seems a pure fabrication. Frank could not have committed the crime and disposed of the body in the time alleged by the negro; it is utterly inconceivable that the notes found near the body could have been dictated by a man of Frank's education; the Saturday afternoon was spent by him in making up a complicated financial sheet requiring hours of time, and Conley admitted he was so drunk on that day that he did not know where he was or what he did. The Gov-

Paris judge why this was so, and he replied it was on humanitarian grounds, to spare the feelings of the prisoner. And whoever has watched a man on trial for his life in an American court room and has seen the awful strain the prisoner is under while the jury is filing into court and the judge is preparing to put the question to them as to what their verdict is, will appreciate the delicacy of the French point of view, which thinks it more kind to convey the result through his friends or lawyers in the quiet of the prison.