

played by those chosen to do the governing, for that is our idea of how towns and cities have to be governed, and ought to be.

The foregoing are only a few of the points on self governing that the Filipinos must learn, and show their disposition to abide by and accept without question, as evidences of what constitute a self governing people and a best government on earth. Before they can hope to pass a satisfactory examination in the science of self government, from our standpoint, they must learn many more strange lessons, which will be submitted when those given herewith are mastered.

#### THE CITIZEN AND THE NEWSPAPER.

By the time the very young reporter reached the spot of the accident the victim had been bundled into an ambulance and the ambulance itself was rapidly jogging out of sight.

A talkative and important group stood half on the walk and half on the roadway. As the very young reporter drew out notebook and pencil the group, by common consent, opened and then closed about him.

"Are you a reporter?"

"Yes. What was the man's name?"

"Johnson."

"Say, I want you to put a piece in the paper about that drug store over there. Just as soon as I saw he was hurt I went over to the telephone and Hines—he keeps the place—says: 'Oh, I guess it ain't so bad but what he can wait. You don't need no doctor.'"

"What is his first name?"

"His first name? Eddy—Eddy Hines. He was named after his uncle, who used to own the brewery on State street. They thought if he was named that—"

"Hold on. I don't want Hines' name. I want the name of the man who was hurt—Johnson."

"His first name? I guess it was John, wasn't it, Billy? Wasn't Johnson's first name John?"

"Sure it was. Who wants to know?"

"A reporter over here."

"Are you a reporter? You know, I seen the whole thing. I was standin' here with Pete Perry when he fell. I says to Perry just the minute before, 'Perry, that man's going to hurt himself.' And, sure enough, down he went."

"How did he happen to fall?"

"Well, I was standin' with Perry and I says, 'Pete, that man's overbalancin' himself,' and just then he went down. Just look at this scaffolding,

will you? Do you call that good scaffolding, huh? What kind of scaffolding is that? You write that up when you write about it."

"Yes, and put in that piece about Hines. I says to Hines when he wouldn't let me use his telephone. 'Hines, I'm going to have you roasted in the papers if I have to go down and see the managing editor himself.'"

"Excuse me, but as I understand it this man Johnson didn't fall from a scaffolding. He tumbled from the sidewalk into the cellar."

"Why, sure he did, but what kind of scaffolding is that, anyhow? Is that any good? It's rotten. You can say I said so too. Print my name if you like. Smith is my name—William P. Smith."

"Yes, and you can use my name, James F. Dolan. And tell 'em that I went up there to telephone for a doctor and Hines says, 'Aw, I guess you can wait. You don't need no doctor.'"

"Where did he hit when he fell?"

"Right on that pile of rocks. Two days ago I says to Pete Berry, 'Pete, them rocks ought not to be there.' It's Jackson's fault. He's buildin' the house. I knew somebody'd get hurt. And look at that scaffoldin'. Ain't that the limit? You roast 'em good, now."

"Yes, and—say—are you going already? Well, don't forget to put in that about Hines. 'I'm goin' to show you up,' I says to him, 'if I have to see the managin' editor myself.' Dolan—James P. Dolan, that's me; tried to telephone, but was refused the use of the instrument. Put it that way and use my name. It's D-o-l-a-n. You write it, young fellow, and show that Hines up. Good-by. Show him up, now."—The Chicago Chronicle.

#### HISTORY OF THE HABEAS CORPUS.

Editorial in Chicago Chronicle of November 28, 1904.

The insistence of the Chronicle that our habeas corpus law needs enforcing rather than amending has attracted no little commendatory attention, a fact which goes to prove that the public takes a lively interest in the theme, as, indeed, it should. One gentleman well learned in the law, while entirely approving the spirit and meaning of what the Chronicle has said, thinks it regards the writ as more ancient than it is. Let us see about that.

The idea of liberty is very old, much older than the idea of parliaments or constitutional governments. The latter came in to formulate, regulate and preserve liberty. The great English

sources of liberty are well defined and readily recognized.

First is Magna Charta, granted in 1215. King John, prior to granting this charter, had exercised almost unlimited power. The greatest provision of Magna Charta is: "No freeman shall be taken or imprisoned or disseized or outlawed or banished or anyways destroyed, nor will the king pass upon him or commit him to prison, unless by the judgment of his peers or the law of the land."

Upon this foundation constitutional government was erected. This guarantee of uniform administration of law was many times violated, but the people never yielded the rights won by the guarantee. By the Petition of Right in 1628, 413 years after, in the reign of Charles I., the rights gained under Magna Charta were reaffirmed and strengthened.

The Petition of Right prayed "that no man be compelled to make or yield any gift, loan, benevolence, tax or such like charge without common consent by act of parliament; that none be called upon to make answer for refusal so to do; that freemen be imprisoned or disseized only by the law of the land or by due process of law, and not by the king's special command without any charge."

The provisions of both these charters of liberty were constantly disregarded, and the people complained that unless there were some way to enforce the rights granted, arbitrary kings would deny them; that they should have some way of showing that men were imprisoned without a trial by their peers, and that they were passed upon by the command of the king, and not by the "due process of law."

The habeas corpus act was adopted to meet the condition and to relieve the people from all unjust imprisonments. It compelled judges and other officers to give deliverance where it appeared that the law of the land had been disregarded in their imprisonment. The habeas corpus act came in 1679, 51 years after the Petition of Right and 464 years after Magna Charta. It is a great charter of constitutional liberty.

There is a common belief that the issuance of a writ of habeas corpus frees the prisoner. This is not so. The petition for a writ of habeas corpus states in substance that the petitioner is illegally restrained of his liberty, and prays that the court will issue its writ directing and commanding that the custodian of the petitioner bring the body before the judge, and that inquiry be made as to the petitioner's imprisonment. The judge issues the writ, for it is all but compulsory upon him to do so. Upon

a hearing the prisoner is remanded or released, according as the judge decides upon the facts and law. The writ is used to inquire into and determine the custody of children. It is the great writ of inquiry as to how and why anyone is detained in custody.

But while it is true that "the habeas corpus act" was passed in 1679, that act, in the opinion of the Chronicle, was merely declaratory of what had been English law for longer than there was any record of. Lalor's Political Encyclopedia says it was "one of the great, unrepeatable laws which, without the aid of legislation, became part of the common law of England and is of greater age than Magna Charta itself." Hallam, in his "History of the Middle Ages," declares that whether the courts framed the writ after Magna Charta, according to the spirit of its declaration, or "found it already in their register, it became from that era the right of every subject to demand it." He also says that "from the very earliest records of English law" any freeman might as matter of right demand the issuance of this writ.

There was more or less of evasion and dodging by imperious kings and truckling judges, and during the stormy reign of Charles I. this increased, for Charles was a bigot and had less tact and more courage than had James I. In carrying out the methods of the Scottish Stuarts, which James had introduced. The famous Petition of Right did ask for the express recognition of this right, among others, in 1628, but the act was not passed until 1679 under Charles II. Cromwell's legislators did not enact it.

Of this act of 1679 Lalor says that, though the origin of the writ is sometimes erroneously stated to have been in this act, the fact is that this act "neither added to nor detracted from the fundamental principles of that efficacious writ, but was passed in order to define with clear precision the appropriate remedies attendant upon the invasion of personal rights."

The thing had existed for centuries. In 1679 it was given a new suit of clothes, and it was not until George III. had been king for 56 years that the right was extended to civil causes in the courts.

An English coal porter is credited with a clever retort to a member of parliament who was pushing his way through a crowd at a show:

"Make way there! Don't you know," cried the pompous M. P., "that I'm a representative of the people!"

"Well," retorted the porter, "Don't you know that we are the people?"—Danville (Ill.) Free Citizen.

### PRO PATRIA!

#### I.

Back from the quaking walls the Russians reel.

—The festering remnant of a garrison,  
Then whirl again to ply the bloody steel,  
While o'er each fort the man-fed vultures wheel.

Glutted of carrion.

SCENE.—The palace of Tsarskoe-Selo. Enter the Emperor Nicholas, followed by the Czarina, a nurse bearing the infant heir, and a guard of gigantic Cossacks.

NICHOLAS—How precious is the helpless life of this frail babe;  
What power in the grip of these small hands;

How dear this tiny entity—

Enter messenger.

MESSENGER—Dispatches from the front, your majesty.  
Stoessel is in dire straits.

NICHOLAS—Send him an ikon and the royal word: Not to give up while there's a man to die.

#### II.

Across the Manchurian wilds the ice-winds fly.

Shrieking a new note in the chant of doom;

The freezing legions clash in sheer misery.

Stagger to deadly shock and fight and die,  
Each trench a hecatomb.

SCENE.—The royal chrysanthemum garden of Perfect Delight, Tokio. Enter the Emperor Mutsuhito, with attendants.

MUTSUHITO—Look at these gorgeous flowers, emblems of that sun  
That warms us to a blessed sense of life.

Enter an Elder Statesman, who prostrates himself and presents dispatch.

MUTSUHITO (reading)—News from Oyama, repulsed at Da I see.

A temporary check, for Nippon fights so long as Nippon lives.

#### III.

God save the czar! and the mikado, too!

They'll need the prayer in that great Day of Dread

When naked souls before their Maker go,  
When sanguine battlefields and seas of woe  
Give up their murdered dead!

—Thomas J. Vivian, in Chicago Examiner.

First Little Boy—Hello! How's Sarah Jones?

Second L. B.—You lie.

—Life.

### BOOKS

#### THE NEW LIGHTS.

In a little four-act drama, "The New Lights," (Boston: Richard S. Badger, Gorham Press. Price, \$1.00). Hugh Mann illustrates the life of the New Mennists, a secession from the Pennsylvania Mennonites, and at the same time emphasizes his view of the law of love and the scriptural doctrine that the truth makes freedom.

Such a book must be read to be appreciated in any degree. To describe or attempt to analyze would be like attempting to expound psychology by anatomical dissection. It is enough to apprise possible readers that the story is beautifully and vividly told in the dia-

logue form; that it draws aside the veil for the outside world to look into the comings and goings of this non-resistant and non-civic sect, and that the human element is not suppressed in the story. The book is a neatly printed volume of 51 pages.

#### BOOKS RECEIVED.

—"Every Day Essays." By Marion Foster Washburne. Illustrated by Ruth Mary Hallock. Chicago and New York: Rand, McNally & Co. To be reviewed.

—"A Little Fountain of Life." By Marion Foster Washburne. Chicago, New York and London: Rand, McNally & Co. To be reviewed.

—"The Art of Wise Investing;" a series of short articles on investment values, pointing out the essential characteristics of safe investment securities, with a review of the financial pitfalls into which superficial examination inevitably leads. New York: Moody Publishing Co. To be reviewed.

#### PAMPHLETS.

An essay by William Grant Sawin, of San Francisco, published originally in the Annals of the American Academy of Political and Social Science for November, 1901, has been reprinted by the Academy in pamphlet form. Mr. Sawin rightly concludes that "the solution of every economic problem must rest on an ethical basis; that it is only by determining right and applying justice that the well being of man may be increased." He seems, however, to be struggling against odds. His essay reads like that of a naturally clear-cut mind befogged with scholastic economies. For instance, by accepting the scholastic notion of rent—a perversion of Ricardo's statement—that it is a free gift of "the indestructible properties of the soil," instead of what Ricardo plainly meant that it is a premium for monopolized natural advantages, he falls naturally into the other scholastic fallacy that the benefits resulting from monopoly are earnings of capital, instead of labor. The latter fallacy appears prominently in his essay when he uses a fishing net as illustrative of capital, suggesting that without the net a man may catch only ten fish, but with it, 100. "Obviously," he comments, "ten fish is still his wages, as before, and 90 fish is the gross profit of his net." But this assumes that his right to make nets is restricted. Consequently, the illustration is in the domain of monopoly, and not of capital. For if net-making were not restricted, some laborers would make nets while others used them, and wages would rise to some point between ten fish for each, the catching power without a net, and 100 fish for each, the catching power with a net if some of the fishery labor were not necessarily diverted from catching fish to making nets. Mr. Sawin falls into another scholastic hole when he distinguishes concrete capital from value-forms of capital. Value forms are only the commercial (as weights, measures, etc., are the physical) modes of measuring concrete capital. At this point Mr. Sawin exhibits the fallacy that has