

Christian Science to the law, does not rise out of cases like that of Harold Frederic, in which a sane man, in the exercise of his undeniable right of belief, deliberately refuses the assistance of doctors and puts his trust in Christian Science. It is no function of the public to force doctors upon such a man. Not only is it his right to decide for himself, but if he were denied that right the healing profession might be stagnated. Had police regulations successfully interfered with freedom of choice in this respect in the past, the new schools of medicine that have from time to time challenged and ultimately modified the old, would have been suppressed; and like the law-protected Chinese, we might still measure the usefulness of a physician by the amount of blood he draws and the virtues of drugs by their nastiness. But while there is no difficulty in the cases of adults, yet out of the cases of children a very real difficulty in this matter does arise.

Because mature persons have the right, in their treatment of their own ills, to ignore public sentiment as it at any time exists, it by no means follows that they have the right to do so in the treatment of the ills of their children. During that period of tutelage in which a child cannot choose for itself in such matters, and the right of choice falls primarily upon parents, society owes to the child the duty of protecting its right to life not only against what may appear to the community to be the malice of parents, but also against what may appear to the community to be their foolishness. The "foolish" parents may in fact be wise and the "wise" community foolish, and time may demonstrate this; but pending the demonstration, prevailing opinion must determine between parent and child in questions involving the child's personal rights.

To us it seems that the true principle of the law in its relation to Christian Science is suggested by a recent English decision affecting a sect known as the Peculiar People. Under the doctrines of this sect, physicians are not to be called in cases of sickness, but an elder is to pray over the patient and anoint him with oil. The infant daughter of two members

of the sect having fallen ill with whooping cough, it was subjected to this treatment and given no other. The child died, and the parents were indicted for manslaughter. In sustaining the indictment the English judge made a brief, but in our opinion, irrefutable argument. Pointing to the duty of parents to provide medical aid for their sick children, he dwelt upon the fact that children of tender years cannot choose for themselves in the matter of accepting or rejecting novel methods of treatment; and, inferring that it therefore becomes a duty of parents to their children to have recourse to established methods, he concluded that their refusal to do so is the same in law as if they were to neglect their sick children altogether.

Here is a distinct denial of the right of parents to subject their sick children to methods of treatment which have not yet secured general recognition. And although the point was not directly involved, there is an implied acceptance of the proposition that persons capable of exercising a free choice may utterly ignore established methods of treatment, without involving any one in legal complications. If the reason for legal interference in the case of children is their incapacity to choose, then persons having capacity to choose must have the right to choose without legal interference. And that, it seems to us, is the true principle.

The question is not peculiar to Christian Science treatment, but relates to all novel methods for the cure of disease. Not long ago the dispute was between homeopaths and allopaths. That dispute is over. The homeopaths have secured their position in public sentiment as a regular school of medicine. Even their detractors no longer deny their right to all the legal prerogatives of healers, including the treatment of children. But in the beginning, communities were justified in refusing to permit parents to treat their children, in cases of severe illness, with sugar pellets. They were not justified, however, in interfering for the supposed protection of mature men and women. It is at this point that in all analogous cases the line should be drawn—between

the child too young to choose, and the adult whose natural privilege it is to choose.

## NEWS

The treaty of peace between the United States and Spain has in substance been agreed upon. Spain complies unconditionally with the demands made by the United States.

When last we wrote upon this subject, we gave the result of the joint meeting of the peace commissions on the 21st. The Americans had at that meeting demanded the entire Philippine archipelago for \$20,000,000, and fixed November 28 as the date on which they would expect a definite response. It was believed, from hints thrown out by Spanish commissioners, that the response would be made on the 23d, to which date the joint meeting was adjourned, but on that day the Spaniards requested a further adjournment. Their request was granted, and the 28th was fixed for the next meeting. During the interval the Spanish commissioners submitted informally by letter to the American commissioners three alternative propositions for a compromise. They offered to cede not only Puerto Rico but the other Spanish West India islands, the whole of the Ladrões, and the whole of the Philippines for \$100,000,000; or to cede the Philippines and grant certain privileges in the Carolines and the Ladrões for \$50,000,000; or to cede the Philippines, the Spanish West Indies and Guam, submitting to arbitration the question of the debts and obligations of a colonial character which the United States ought to assume. It is understood that these propositions were considered by a cabinet meeting at Washington; and upon the authority of Secretary Hay it is reported that the president cabled the American commissioners to follow his former instructions, which were to insist unconditionally upon the terms already proposed by them. This the American commissioners did; and on the 28th, at a brief joint meeting the Spanish commissioners announced their acceptance of those terms.

The body of the text of the Spanish memorandum of acceptance, as cabled to this country on the 28th, is as follows:

✦ We do not acknowledge your interpretation of the protocol; we do not

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surrender to you as a right any of our pretensions; but the Spanish government, considering the United States has claimed the Philippines by an ultimatum, that America extends equal trade privileges to Spain, that the United States guarantees protection to Spanish life and property in the islands, that motives of humanity require that the Spanish people be not put through the horrors of another war, and that there is need of reviving Spanish trade, submits to the cruel law of conquerors and accepts all the terms in the American demand without change.

Senor Montero Rios, the head of the Spanish commission, in commenting upon the meeting after it had adjourned to the 30th for consideration of the formal treaty, said: "We have been abandoned by all Europe. It is a disgusting end."

The commissioners met again in joint session on the 30th for the purpose of formulating the treaty upon the basis of the terms agreed upon the day before. This meeting was a long one, and considerable progress was made. The Associated Press reports that articles were agreed upon as to the following points: Relinquishment of sovereignty over Cuba; cession of Porto Rico and other Spanish possessions in the West Indies; cession of the Philippines; and mutual release of military prisoners, including the Philippine rebels held by Spain and the Spaniards held by Aguinaldo. Adjournment was taken to Dec. 1. When the treaty shall have been signed by the joint commissioners, it must be adopted by the Spanish cortes and the United States senate before becoming operative.

Next in importance to the treaty agreement, in the business of closing up the war, is the occupation by the United States of western Cuba. This began on the 25th, with the arrival at Marianao beach, near Havana, of a detachment of the 2d regiment of engineers, comprising 233 soldiers and 10 officers. In preparing camp they were aided by a force of Cuban troops from Gen. Menocal's division. This first appearance of American troops near Havana was quickly followed by the withdrawal of Capt. Gen. Blanco from his office. His last official act was performed on the 28th, and on the 30th he sailed for Spain. Gen. Castellanos takes Blanco's place pending the evacuation.

In eastern Cuba, Gen. Wood is perfecting civil government under mili-

tary authority. He is reported as still exhibiting an inclination to favor Cuban self government. For mayor of Santiago city in place of the American military officer who has held that post, Gen. Wood appointed on the 25th Senor Bacardi, an old resident and Cuban sympathizer. Mayor Bacardi, with the full approval of Gen. Wood, and in accordance with his policy, immediately replaced the entire clerical force of the mayor's office with Cubans who had served in the war. The civil establishment of Santiago province is now reported as virtually complete.

France is again disturbed by the Dreyfus question. This is once more the most absorbing topic in European affairs, and it is even hinted that the emperor of Germany is preparing to make a declaration on the subject. The French chamber of deputies was this week in another turmoil over it, the particular point at issue having direct relation to Col. Picquart.

It will be remembered that Col. Picquart lost favor with the military ring by revealing facts which indicated the innocence of Dreyfus. In connection with this he was prosecuted in the ordinary criminal courts upon a charge of revealing documents concerning the national defense. His trial was to have begun September 21, but at that time the public prosecutor moved an adjournment on the ground that a military prosecution had been ordered by the war department upon charges of forgery and using forged documents in connection with the Dreyfus case. Picquart opposed this motion as an attempt to thrust him into the clutches of the military ring; but it was granted, and Picquart was taken out of the hands of the civil authorities and placed in military custody. He has ever since been in a military prison. It was believed at the time that Gen. Zur Linden, then minister of war, had taken this step for the purpose of getting a dangerous witness in the Dreyfus case out of the way.

Col. Picquart was not heard of again until he was brought before the court of cassation in the Dreyfus case as a witness. Thereupon Gen. Zur Linden, as military governor of Paris, signed a decree for his trial by court-martial. This decree was made public November 23. It ordered the court-martial to begin on December 12, the charges to be forgery and di-

vulging secret documents concerning the safety of the state. Col. Picquart was at the time under examination in the Dreyfus case before the court of cassation, and a deputation of senators of the left requested the premier, M. Dupuy, to postpone the Picquart court-martial until after the decision of the court of cassation in the Dreyfus case. M. Dupuy submitted this request to the cabinet, and as a result of its deliberations refused the request. That was on the 27th. On the 28th the matter came up in the chamber of deputies. The ministry submitted to the interpellation, and in a crowded chamber and amid great excitement the subject was immediately discussed.

The position taken by the ministry was that it could not order a postponement of the Picquart court-martial until a decision of the civil court in the Dreyfus case, without striking a blow at the principle of the separation of the military from the judicial powers. Upon this principle the ministry was sustained by a vote of 437 to 73.

When the wife of the Austrian emperor was murdered in Switzerland, several of the European powers took measures looking to a conference for devising means of suppressing what was vaguely described as "anarchy." This conference met on the 24th at Rome. All the European nations are reported as having been represented. It was opened by the Italian minister of foreign affairs, Vice Admiral Canevaro, who delivered an address on behalf of the king, and was subsequently elected president of the conference. Five propositions have been laid before the conference, for the consideration of which in detail five committees have been appointed. The propositions are as follows:

- 1.—To define a "criminal anarchist."
- 2.—To decide that anarchist outrages must be considered as crimes against common law and felonies and not as political offenses.
- 3.—To concert special measures against the press which incites the anarchist outrages or which carries on the anarchist propaganda in its columns.
- 4.—To establish a system of special and summary extradition or expulsion of anarchists or persons suspected on reasonable grounds of being engaged in anarchical plots.
- 5.—To organize a police service commissioned to keep up closer international relations.