

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

entangled him, by saying that concrete capital—a ship, for instance, "is the same capital the day it loads its first cargo as it is the day it discharges its last cargo," whereas its value varies. But its value varies because the usefulness of the thing itself varies. A ship is not the same when it falls to the low value as when it had a high value. Utility is the soul of all concrete forms of capital, and the ship would never discharge its last cargo, for it would never have a last cargo, if its utility were always the same. But Mr. Sawin clears away the scholastic fog when, in referring to the trusts, he turns away from all the confusing artificialities of economic thought and plainly asserts that "the evils of monopoly arise from the private ownership of natural elements." In many other respects he deserts economic scholasticism with gratifying results.

### PERIODICALS.

Under the standing caption of the Philosophy of Freedom the Nebraska Independent publishes two cogent articles on the single tax in its issue of Nov. 17. E. B. Swinney, New York, tells "How Mr. Smith Became a Single Taxer," and W. H. Booz, Milford, Del., writes of the fundamental character of the proposition to abolish all taxes on improvements and personal property. "It is an error," he writes, "to think of single taxers as people of but one idea, but they do believe it must be that before any other reform can be possibly beneficial to all; it is fundamental."

J. H. D.

The Christmas number of Leslie's Magazine is mainly a story number. The most notable feature is otherwise Mr. Ellery Sedgwick's brief but very striking article on the neglect of the American public in regard to accidents on common carriers. The fact seems to be that the public is not aware of the growing frequency of these accidents. It is only the most glaring fatalities that are very generally heard of and produce any great impression. No one can read Mr. Sedgwick's earnest appeal without feeling that something ought to be done.

J. H. D.

The Outlook, of December 3 is a handsome holiday book number, full of interesting literary notes and reviews, and profusely illustrated. Mr. Krehbiel, the well-known musical critic, writes on "Christmas Carols and Customs;" Elizabeth McCracken tells what children like to read, and there are other contributions on favorite books of childhood. Perhaps the most noteworthy contribution is the short paper on Mark Twain, by Richard Watson Gilder. Speaking of Mark Twain's world-wide fame, Mr. Gilder thinks it is partly due to his having traveled widely; but he rightly adds: "It is more particularly owing to the fact that though his writ-

ings savor so intensely of their native soil, their appeal is universal, both in relation to nationality and to individual culture."

J. H. D.

The Outlook of November 26, speaking of John Morley's address before the New York Chamber of Commerce, in which he dared to assert his belief that American prosperity is independent of a protective tariff, says: "Mr. Morley approached this statement in a very tactful and semi-humorous way, but was instantly assured of his ground by the spontaneity and heartiness of applause with which his frankness in declaring his position as a free trader was met." This, however, is not to be taken to mean too much. It may be due rather to the good humor of the diners than to their conviction. I have seen Henry George loudly applauded at a dinner where protectionists were in the majority.

J. H. D.

The November-December issue of St. Andrew's Cross (Pittsburg), the organ of the Brotherhood of St. Andrew in the Episcopal church, is an illustrated double-number giving a full report of the convention recently held in Philadelphia. This organization, founded by Mr. James L. Houghteling, of Chicago, now numbers many thousands, and is one of the most active religious associations in the country. Its primary profession of service is to get men to go to church, but its activities are more extensive. If such a body, composed mainly of young men, could be induced to study the social causes which really lie at the bottom of the separation of the masses of men from the church, one cannot but speculate how much greater might be the service rendered.

J. H. D.

The Craftsman, published at Syracuse, N. Y., becomes more beautiful and more valuable with every issue. The December number includes a most fascinating portrait of William Keith, the California artist, with reproductions of two of his paintings. These can only be suggestive, lacking the color which seems to contain the whole vitality of Keith, but they give an impression of the poetic quality of his vision. In connection with an article by the editor, Gustav Stickley, "From Ugliness to Beauty," are entertaining illustrations, comparing rooms furnished showily and fussily, though according to generally accepted styles, with the same rooms furnished simply and harmoniously. In this number of The Craftsman are included red carbon reproductions of four Indian heads after the well-known painter of Indian types, Elbridge A. Burbank.

A. T. P.

In the Cosmopolitan for November appears a poem by Richard Le Gallienne, entitled "Omar Repentant." To one who thinks of him as a writer of light, graceful, flowing style and airy, old-time subjects, this will come as a surprise. For this poem is modern, powerful—even bitter in tone, and

is a plea to the young man for temperance, purity and moral courage. The picture of New York streets at night—"Broadway like a lane of fallen stars;" the night-watchman, and those beings who prowl at night and sleep by day; the "smart saloon" where the two men have stopped to talk and drink the night away—these make a vivid setting for the scene the older man paints of the pit whence the reckless young man is tending. Written in the meter of Fitzgerald's Omar, the poem is a revolt against the teachings of that much lauded philosopher.

What is the book I saw you with but now?—  
"The book of verses underneath the bough!"

So that old poison pot still catches flies!  
The Jug of wine, the loaf of bread, and  
Thou!"

The Grape! the Vine—O what an evil wit  
Have words to glid the blackness of the pit!

Said thus, how fair it sounds—the Vine!  
the Grape!

O call it whisky and be done with it.

It is a long poem and deserves wide reading and thoughtful consideration. The illustrations by Charles Sarka are in perfect keeping with the poem, suggesting things bacchanalian and sardonic.

M. H. LEE.

H. M. Holmes, of Detroit, writes to the Nation of Nov. 17, a brief, well-written letter in reply to an Australian correspondent, who had classed Henry George among those who "purveyed the Socialist policy which New Zealand and the Australian states are carrying out." After asserting that George "could see no way out of our troubles with the railroad corporations other than to have government own and

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