

the breaking up of decent homes through family impoverishment. It was drafted and its enactment as an amendment to the Juvenile Court law secured by the National Probation League (443 South Dearborn St., Chicago), and it provides:

If the parent or parents of such dependent or neglected child are poor and unable to properly care for said child, but are otherwise proper guardians and it is for the welfare of such child to remain at home, the Court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of the County Board through its County Agent or otherwise to pay to such parent or parents, at such times as said order may designate, the amount so specified for the care of such dependent or neglected child until the further order of the Court.



#### Criminal Proceedings Against the Meat Trust.

A writ of habeas corpus issued by Judge Kohlsaas of the United States Circuit Court at Chicago on the 14th, threatened further suspension of the trial of the Swifts, Edward Tilden, the Armour's and others upon indictments for maintaining criminal conspiracies against freedom of trade. [See current volume, page 466.]



The defendants had demurred to the indictments, and after full hearing, Judge Carpenter of the United States District Court at Chicago, had on the 12th of last May overruled their demurrer. The case was thereafter set for trial before Judge Carpenter and a jury to begin on the 20th. It was to prevent this trial that the writ of habeas corpus was obtained of Judge Kohlsaas.



Surrendered in a friendly way by their bail bondsmen into the nominal custody of the United States Marshal for a few minutes, the defendants applied to Judge Kohlsaas for the habeas corpus on the principal grounds that (1) the criminal provisions of the anti-trust law of Congress are unconstitutional, and (2) the criminality charged depends "upon a particular jury's view of the reasonableness or unreasonableness of the transactions alleged. Judge Kohlsaas's explanation of his reason for issuing the writ of habeas corpus after Judge Carpenter had decided the legal aspects of the case and was about to submit the questions of fact to a jury, was, as reported in the Chicago Tribune of the 15th, that Judge Carpenter had made his decision "before the Supreme Court decided the question as being one of reasonableness."



On the 16th, United States Attorney Wilkerson moved to quash the writ of habeas corpus, on the grounds that (1) Judge Kohlsaas was without jur-

isdiction, (2) the defendants were not in custody when it issued, (3) it was issued improvidently in ignorance of the facts, and (4) the petition for it was in bad faith for the purpose of preventing or delaying the jury trial. After extended argument, Judge Kohlsaas decided on the 18th to quash the writ, delivering an opinion in which he said:

The rule seems to be clear that only in certain cases where exceptional and extraordinary circumstances arise will the Court separate the question involved in the habeas corpus proceedings from the trial of the case. Nor does the fact that the question arises upon the Constitutionality of the Act involved constitute any such special circumstance or question of exceptional importance. It appears that the District Court has full jurisdiction of that matter and has passed upon that question, and to take the case at this time, it seems to me, would practically amount to an attempt to review a decision of that court. For these reasons the motion to quash and vacate the order granting the writ and dismiss the petition must be granted.

Thereupon Levy Mayer, lawyer for the trust, made a speech in court, apparently in a rage, in which he said:

I do not believe the Court has meant what it has said in the decision it has just read, and, if it did mean what it said, I believe the Court will take it back.

Judge Kohlsaas made no response, but later on the same day when Mr. Mayer applied to him to withhold his formal order quashing the writ "until such time as would afford the defense an opportunity to prepare a plea to be submitted to the Supreme Court." Judge Kohlsaas, against vigorous protests by counsel for the Government, granted the request by ordering that his formal quashing of the writ of habeas corpus be withheld from record until the 22nd at 10 a. m.—two days after the date set for trial by Judge Carpenter. When the case was called for trial before Judge Carpenter on the 20th, he granted an adjournment until the 22nd at 10 a. m., the hour at which Judge Kohlsaas's order quashing the writ of habeas corpus is to be formally entered.



#### The Situation in China.

Yuan Shi Kai has accepted the premiership of China under guarantees from the Throne that he shall have a free hand. He named a cabinet on the 16th which is composed of such diverse elements that it is not believed that it can come to a working basis. With the National Assembly he does not seem to be in full accord. Wu Ting-fang, former minister to the United States, and now secretary of foreign affairs to the new revolutionary Provincial government of Shanghai, has sent a telegram to the American chargé d'affaires at Peking, asking the good offices of the United States in connection with the de-

livery to the Throne of a demand for abdication. [See current volume, page 1171.]

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The first violence offered to foreigners was reported on the 19th from Shensi Province in the northwest of China, where the anti-foreign feeling has always been strong. Some foreign missionaries, believed to be Scandinavians and English Baptists, have been massacred, according to news received through Chinese sources. It is implied that the attacks upon foreigners were not premeditated, and were only incidental to attacks on Manchus.

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## NEWS NOTES

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—Mayor Whitlock's election expenses were nothing and were so reported under the Ohio law. [See current volume, page 1167.]

—Franklin K. Lane, Interstate Commerce Commissioner, opened the Land Show at the Chicago Coliseum on the 18th. [See vol. xiii, p. 1115.]

—The seventh annual Convention and Conference of the American Civic Association, meets at the New Willard Hotel, Washington, D. C., December 13, 14 and 15.

—Central Europe, notably Switzerland, Germany and Austria, suffered from earthquake shocks on the evening of the 16th. Buildings were cracked, spires and statues thrown down, and enormous avalanches precipitated.

—Joseph Fels will speak on the evening of the 26th at the Institutional Church, 3825 South Dearborn street, Chicago, on the subject of "Progress and Poverty," as well as at the La Salle Hotel the same evening on the subject of "Poverty."

—Since last week, dispatches from Cleveland report announcements by Mayor-Elect Baker of his intended appointment of C. W. Stage as Director of Public Safety and Peter Witt as Street Railway Commissioner. [See current volume, page 1167.]

—Charles Frederick Adams closes a lecture engagement for the Henry George Lecture Association of Chicago, at Shreveport, La., on the 27th, whence he goes to Palestine, Texas, for the 28th and 29th, and to Dallas, Texas, for the 3rd, 4th, 5th and 6th of December.

—A call for a national Prohibition conference, to be held in the Hotel La Salle Dec. 5, has been issued. Among the signers of the call are United States Senator Luke Lea of Tennessee, Governor W. W. Kitchin of North Carolina, Governor W. R. Stubbs of Kansas and A. W. Harris, president of Northwestern University.

—President Ramon Caceres of Santo Domingo was assassinated in the city of San Domingo on the 19th. His assailants, two in number, were recognized, but got away without arrest. As the constitution of Santo Domingo makes no provision for a vice president; it will be necessary for the cabinet to call an extraordinary session of congress to provide for a special election. In the interim the cabinet will dis-

charge the duties of the president. [See vol. xi, p. 471; vol. xiii, p. 282.]

—A compulsory preferential voting law came into operation at the November elections in Australia, under the provisions of which, when there are more than two candidates the voter must number all the candidates in the order of his preference. In the count, the candidate having the smallest number of first choices is excluded, and so on until only two candidates remain, one of whom necessarily has a clear majority.

—The National Municipal League, in session last week at Richmond, Va., elected the following officers on the 14th: President, William Dudley Foulke, Richmond, Ind.; Vice Presidents, Jane Addams, Chicago; H. D. W. English, Pittsburgh; William Kent, Kentfield, Cal.; C. G. Kidder, New York; A. Lawrence Lowell, Harvard; George McAneny, New York, and Charles Richardson, Philadelphia; Treasurer, George Burnham, Jr., Philadelphia; Secretary, Clinton R. Woodruff, Philadelphia.

—Russia has broken off diplomatic relations with Persia over the question of the authority of the American Treasurer-General of Persia, W. Morgan Shuster, appointed to his position by the National Assembly. Persia, struggling against the claims of guardianship of both Russia and England, has appealed to the great Powers, and especially to England, for aid in preserving its national integrity. Persia desires an investigation of the Russian demands, or a chance to submit her case to The Hague Tribunal. [See current volume, page 1173.]

—The Supreme Court of Missouri decided on the 14th to enjoin the International Harvester Company of America from doing business in Missouri, and fined it \$50,000 as an unlawful conspirator in restraint of trade; on condition, however, that if the Company pays the fine, separates itself from the International Harvester Company of New Jersey, files a statement of its business, and satisfies the Court that it will obey the laws in the future, it may be permitted to continue doing business in the State. It has sixty days to comply with this condition. The decision is in form an affirmance by the Court of a decision of Special Commissioner Theodore Brace.

—At the first annual convention of the National League for Medical Freedom, opened at Chicago on the 20th, B. O. Flower, the president, criticized President Taft's order regarding the practice of medicine in the Panama Canal zone. He denounced it as "a moral crime" because "it requires that any one who practices the art of healing in any form must pass an examination before the Board of Health of the canal zone," which "examination, intended only for the regular school of medicine, cannot be passed by the homeopaths and other members of the League for Medical Freedom. Senator John P. Works of California will address the members of the League at the First Regiment Armory, Chicago, on the 24th in the evening, his subject being "Medical Freedom."

—Rumors of a revolt against the Madero regime in Mexico have come up from Texas during the past week. On the 18th General Bernardo Reyes, an unannounced rival of Francisco Madero for the Pres-

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