

NOTE AND COMMENT

RECENT CASES

DECIDED BY THE SUPREME COURT OF THE UNITED STATES.

CONSTITUTIONAL LAW; PRELIMINARY EXAMINATION.—1. The right of the accused under existing laws to a preliminary examination could be dispensed with, as is done by Act 612, section 2 of the Philippine Commission in cases triable only in the Court of First Instance of the City of Manila, where the prosecuting attorney, after a due investigation of the facts, shall have presented an information against such accused in proper form, without infringing the prohibition of the Philippine Bill of Rights (Act of July 1, 1902), section 5 against the denial of due process of law. 2. Denying to an inhabitant of Manila such right under such circumstances is not contravening the prohibition of the Philippine Bill of Rights, section 5, against the denial of the equal protection of the laws. 3. A preliminary finding of probable cause for the arrest of the accused is only a quasi judicial act, not such that, because of its nature, it must necessarily be confined to a strictly judicial officer or tribunal. And 4. The preliminary inquiry provided by Act 612, section 2 must be deemed a sufficient compliance with the requirement of the Act of July 1, 1902, section 5 that "no warrant shall issue but upon probable cause, supported by oath or affirmation," in view of the provision in section 9 of that Act, authorizing modifications of practice and procedure. (*Ocampo et al v. United States*, U. S. Adv. Ops. 1913 p. 712.)

JUDGES; LIABILITY FOR ACTS.—1. The American doctrine of immunity of judges from suit because of their judicial acts protects a Justice of the Supreme Court of the Philippine Islands against a suit to recover upon the alleged grounds that, without jurisdiction he entered a judgment against the plaintiff, contrary to an order of the full court, and made a false statement of fact in the opinion by which the full court ratified the change, and inserted in the opinion of the full court in a second suit various false statements, including one attributing to the first judgment an effect that it could not have in the circumstances, all with full knowledge and intent to injure the plaintiff, as appears from an inspection of the opinions,—and that the plaintiff had to pay the second judgment at a sacrifice. 2. No implication that a Justice of the Supreme Court of the Philippine Islands shall be liable for a judgment rendered in bad faith can be deduced from the provisions of section 9 of Act 190 of the Philippine Commission, that "no judge, justice of the peace or assessor shall be liable to a civil action for the recovery of damages by reason of any judicial action or judgment rendered by him in good faith and within the limits of his legal powers and

jurisdiction." 3. The section is shown to have had in mind inferior judges and the like by its mention of justices of the peace and assessors, as to whom a different rule has been held to prevail. The court held that whatever may have been the Spanish law, this is a principle so deep seated in the American system that it should be regarded as carried into the Philippines by implication as soon as the courts were established there by the United States government. (*Alzua v. Johnson*, U. S. Adv. Ops. 1913 p. 27).

PORTO RICO; IMMUNITY FROM SUIT; CONSENT.—Porto Rico cannot invoke its immunity from suit without its consent to defeat jurisdiction of an action in which, through its attorney general, it voluntarily petitioned, after due deliberation, to be made a party defendant, asserting rights to the property in dispute, and in which it was made such party against the plaintiff's opposition. In placing the decision upon the consent of Porto Rico to be made a party defendant under the circumstances the court expressly holds that it does not wish to imply that Porto Rico could not have been made a party without its consent. (*People of Porto Rico v. Bonocio Ramos*, U. S. Adv. Ops. 1913 p. 461.)

DECIDED BY THE SUPREME COURT OF THE PHILIPPINES.

ESTAFA; RESTITUTION OF PROPERTY.—After conviction for estafa of jewels pledged by the defendant to a pawnshop, the court can order the restitution of the property, if sufficiently identified, to the owner without any indemnity by the latter to the pledgee, under article 120 of the Penal Code. (*Varela v. Matute*, 9 Phil. 479; *Varela v. Finnick*, 9 Phil. 482.) The property was not acquired as prescribed by article 464 of the Civil Code so as not to be recoverable. (*Reyes v. Ruiz*, R. G. 9536, decided July 24, 1914.)

MALVERSATION OF PUBLIC FUNDS; INTENT.—The accused explained his conduct, when the shortage was discovered, by saying that by reason of a grave sickness and lacking the means to cure himself, because he had not received his salary for two previous months as delegate of the Provincial Treasurer, he took from the safe a sum which would be covered by his salary earned but not paid. Held, that following *U. S. v. Calimag*, 12 Phil. 687, a public official cannot dispose of any sum of the public funds under his care (Act 1740) though it does not exceed his salary earned and not paid. He is not authorized by law to pay himself. The need presented as a defense cannot be availed of as an extenuating circumstance under section 9, par. 8 of the Penal Code. (*U. S. v. Guerrero*, R. G. 8623, decided July 28, 1914.)

CRIMINAL PRACTICE AND PROCEDURE; ALEVOSIA THROUGH ATTACK OF CHILD.—The qualifying circumstance of treachery (*alevosia*) exists whenever one person employs means, methods or forms which insure the ex-

execution or commission of the crime of assassination without any danger arising or resulting to himself from the acts of the person assassinated. (1 *Aleubilla* 444; *Sentence of the Supreme Court of Spain* of July 13, 1897; *U. S. v. De Leon*, 1 Phil. 163; *U. S. v. Ricasor*, 1 Phil. 173; *U. S. v. Ribeta*, 1 Phil. 331; *U. S. v. Abelinde*, 1 Phil. 568; *U. S. v. Abaigon*, 2 Phil. 417; *U. S. v. Santos*, 2 Phil. 453; *U. S. v. Alvarez*, 3 Phil. 34.) When an adult person illegally attacks a child of tender years and causes its death, he runs no risk whatever of personal injury to himself from such attack. It therefore constitutes treachery. (*Decision of the Supreme Court of Spain* of Jan. 26, 1877 (a child 30 months old); of Oct. 29, 1879 (a child of eleven years); of Nov. 15, 1895 (a child of three years). (*U. S. v. Lausangan*, XII Off. Gaz. p. 1327).

BIGAMY; EFFECT OF DIVORCE PREVIOUSLY GRANTED.—Under the laws in force in the Philippine Islands a decree of divorce does not by any means destroy the matrimonial bond. (*Ley 3a.*, Tit. 2, Partida IV; *Ley 7a.*, Tit. 2, Partida IV.) The change of sovereignty from Spain to the United States, though producing the effect of conferring upon the civil courts full power to decree a divorce, did not in any way affect or alter the nature of divorce in this jurisdiction. A person marrying a second time even after divorce is guilty of bigamy. (*U. S. v. Joaquin*, XII Off. Gaz. p. 1328.)

THEFT; PARTIAL RESTITUTION OF MONEY FOUND.—One who picks up money dropped by another, and, altho he returns a part, retains a part with intent of gain, is guilty of theft if the amount not returned, under the provisions of sub-section 2 of article 517 of the Penal Code. (*U. S. v. Santiago*, XII Off. Gaz. p. 1328.)

IMMIGRATION; EVIDENCE ADMISSIBLE IN INVESTIGATION.—The board of special inquiry of the port of Manila commenced an investigation to determine the right of certain persons alleging to be Hawaiian citizens to enter the Philippines. During the pendency of the appeal to the Collector of Customs by those refused admittance, the former sent a communication to the customs authorities of Honolulu, asking them to make an investigation. Upon receiving the answer, the Collector of Manila ordered a rehearing before the board in which the evidence received from Honolulu was considered and given controlling weight, so that the petitioner here was refused admittance. He petitioned for a writ of habeas corpus. Held, that "the rule that the judicial department of the Government will not interfere for the purpose of modifying or reversing the conclusions of the Collector of Customs in Immigration cases, when his conclusions are based upon some evidence justifying them, and when the parties have been given a fair full and free hearing, is so well established that it seems unnecessary now to

cite cases in support of it." But whenever an investigation such as have been made by the Honolulu authorities, is held and testimony taken to determine the alien's right to enter the Philippines and he has not been given an opportunity to be present, the cause should be remanded for a rehearing, in order that the alien may have a full, free and fair hearing. (*Loo Sing v. Insular Collector*, XII Off. Gaz. p. 1330.)

RAPE; EVIDENCE; MOTIVES OF COMPLAINING WITNESS.—"1. Experience has shown that unfounded charges of rape or attempted rape have not infrequently been preferred by women, actuated by some sinister or ulterior and undisclosed motive and conviction for such crime should not be sustained without clear and convincing proof of the guilt of the accused. 2. It is the duty of the court in such cases to scrutinize with the utmost care the story told by the complaining witness, specially when it appears that she did not make immediate outcry or that there was any unexplained delay in instituting the criminal proceeding." 3. But in the case at bar it conclusively appears that the offended woman sought assistance and made formal and official complaint immediately after the commission of the crime under such circumstances as to preclude the possibility of a conspiracy between herself and the prosecuting witnesses to press a false charge against the accused. 4. "The unexplained silence of a man surprised in company of a woman by whom he is there and then charged with rape, under circumstances which would naturally call for an indignant denial of such charge by an innocent man is evidence tending to establish his guilt of the crime thus charged." (*U. S. v. Servando Bay*, R. G. 9341, decided Aug. 14, 1914.)

CRIMINAL PRACTICE AND PROCEDURE; NEW TRIAL.—New trial was asked on the ground that if the accused be given another opportunity to present evidence he would be able to show by a physician that the finger which the court found to have been rendered useless by the cut was not necessarily a useless member inasmuch if the injured party would permit a surgical operation, the finger would be restored to its normal condition. Denied. "The injured party is not obliged to submit to a surgical operation to relieve the accused from the natural and ordinary results of his crime. He must abide by the consequences without the aid of the injured party." (*U. S. v. Marasigan*, R. G. 9426, decided Aug. 15, 1914.)

HOMICIDE; INTENT TO KILL.—He who voluntarily and with the intent to cause injury commits acts clearly unlawful is responsible for all the consequences of his criminal act, even though when such wrongful act constitutes the crime of homicide it appears that he had no intention of killing the deceased. The proof as to the alibi can have little weight when the identity of the defendants as the persons who committed the crime has been

fully established by eyewitnesses. (*U. S. v. Baltazar*, R. G. 9108, decided Aug. 7, 1914.)

EXTRAJUDICIAL CONFESSIONS; ADMISSIBILITY OP.—In *U. S. v. De Leon*, R. G. 9656, decided Aug. 20, 1914, the Court, per Johnson, J. held, that 1. "Generally the question of the admissibility of extrajudicial confessions is necessarily addressed, in the first instance, to the judge and since such discretion must be controlled by the attendant circumstances, the courts have wisely forbore to mark with absolute precision any rules limiting the admission or exclusion of such testimony. Their admissibility must depend largely in each case upon the facts and circumstances surrounding the same." (*Hopt v. Utah*, 110 U. S. 574; *Bram v. U. S.* 168 U. S. 532; *Wilson v. U. S.* 162 U. S. 612.) 2. "In all cases, however, before such confessions are admissible, it must be shown that they were made fully and voluntarily, without compulsion or inducement or hope of reward of any sort." (*Wilson v. U. S.* 162 U. S. 613; *Bram v. U. S.* 168 U. S. 532; *Hardy v. U. S.* 186 U. S. 224.)

IMMIGRATION; JURISDICTION OF COURTS OF FIRST INSTANCE.—Plaintiff here was refused admittance by the immigration authorities. He petitioned for a writ of habeas corpus. The Judge without determining whether there had been any abuse of authority on the part of the customs authorities or not, proceeded to take testimony upon the question of the petitioner's right to enter the Philippines. Held, that 1. "The right to determine, in the first instance whether or not a Chinese alien has a right to enter the United States or any territories thereof to which the Chinese Immigration laws have been extended, has been conferred by law upon a branch of the executive department. The judicial department has no right to interfere in determining the right of aliens to enter the Philippines except and until it has been proven and shown clearly that that branch of the executive department upon which the power to determine that question has been conferred by law, *has abused its authority.*" 2. "An abuse of authority exists when there is no proof presented to support the conclusions of the customs authorities or when they have misapplied a clear provision of the law. The customs authorities are more or less a jury in determining the facts in the first instance." (*Ekiu v. U. S.* 142 U. S. 651; *Yamataya v. Fisher*, 189 U. S. 86; *U. S. v. Ju Toy*, 198 U. S. 253; *Lee Mon Sing v. U. S.* 158 U. S. 538; *Lo Po v. McCoy*, 8 Phil. 343; *Jac Igo v. Shuster*, 10 Phil. 448.) 3. "A mere refusal by the proper authorities to allow an alien to enter the territory of the United States is not an abuse of authority." 4. "The burden is not upon the executive department of the government to show that an alien immigrant has not a right to land. The burden is upon the

alien seeking to land to show that he has a right to enter." (*Tan Chin Pin v. Insular Collector*, R. G. decided Aug. 20, 1914.)

CONSPIRACY; CRIMINAL RESPONSIBILITY.—When two or more persons agree to commit a crime, each is responsible for all the acts of the others done in furtherance of the agreement or conspiracy. (*U. S. v. Ipil, Mandani et al.* R. G. 9653, decided Aug. 21, 1914.) In a conspiracy, every act of one of the conspirators, in the furtherance of a common design or purpose of such conspiracy, is, in the contemplation of law, the act of each one of them. (*U. S. v. Gooding*, 12 Wheat. 460; *Lincoln v. Chaffin*, 7 Wall. (U. S.) 132; *Logan v. U. S.* 144 U. S. 263; *Boyd v. U. S.* 142 U. S. 450.)

ARSON; EVIDENCE; DUTY OF FISCALS.—The defendant was seen in the neighborhood during the afternoon in which the fire occurred and asked a servant of the owners of the house if her masters were at home and was informed that they were away, that after the fire started the defendant was seen a short distance from the burning buildings running away from them. No evidence was presented by the defense and the lower court convicted the accused. Held, that 1. In the absence of evidence as to motive, there is nothing in the record which would sustain a finding that the origin of the fire was malicious and not accidental or that the accused was guilty of arson. 2. The court calls the attention of the prosecuting officers to the following language found in *U. S. v. Carlos*, 15 Phil. 51: "The records of criminal cases submitted to this court so frequently disclose a lack of all effort to develop the motive for the commission of the crime charged, that we take advantage of this opportunity to direct the attention of all prosecuting officers, specially the provincial fiscals, to the importance of definitely ascertaining and proving when possible the motives which actuated the commission of a crime under judicial investigation. It is true that in general when the commission of a crime is clearly proven conviction may and should follow even when the reason for the commission is unknown (151 U. S. 396); but in many criminal cases one of the most important aids in completing the proof of the commission of the crime by the accused is the introduction of evidence disclosing the motive which tempted the mind to indulge the criminal act and in nearly every case wherein the law places the penalty to be imposed in the discretion of the courts within certain limits, it will be found that a knowledge of the motive which actuated the guilty person is of the greatest service in the exercise of this discretion. (*U. S. v. Esmundo*, R. G. 9398, decided Aug. 22, 1914.)

TWO NEW EDITIONS OF THE CODE OF CIVIL PROCEDURE

It was somewhat of a coincidence that two new editions of the Code of Civil Procedure should appear at the same time. Both have also been prepared anonymously, although the reviewer understands that the authors are well known public men. On account of the difference in language both will prove useful to the practitioner and the law student.

The title page of the edition in English reads: "The Code of Civil Procedure of the Philippine Islands, Being Act No. 190 as amended to July first, 1914, (including all acts to 2402) with supplementary and cognate acts including applicable portions of the Judiciary Acts, Adequately indexed. With Citations to the known origin in the State Codes of Various Sections, and Citations to references to this Code contained in Volumes I to XXV, inclusive, Philippine Reports and Jurisprudencia Filipina." The Lawyers' Cooperative Publishing Co., 110 Echague, Manila, are its publishers; price ₱8.00 per copy. The compilation is well done and the printing is tasty. It would have proved much more valuable, however, if the annotations of bare citations had been expanded into notes.

The title page of the edition in Spanish reads: "Código de Procedimiento en Juicios Civiles y Actuaciones Especiales en las Islas Filipinas Confrontado con la última edición oficial y corregido en ciertos pasajes en que se advierten obscuridad y errores manifiestos, después de consultado detenidamente el texto inglés. Comprende: la ley original y sus enmiendas hasta la fecha, con exclusión de los preceptos derogados o reformados, las más importantes doctrinas de la Corte Suprema de los Islas en materia procesal hasta ahora publicadas, y el Reglamento de los Tribunales de Justicia con todas sus reformas. Contiene además: al principio, un cuadro demostrativo de las leyes que derogan o modifican ciertas disposiciones del presente Código, y una Tabla alfabética de las sentencias que se citan; y un índice alfabético minucioso de materias al final." Imprenta y Litografía de Juan Fajardo, Carriedo 326, Santa Cruz, Manila, are its publishers; price ₱10.00 per copy. It is dedicated to Hon. Francisco Ortigas, Chairman of the Code Committee and has a prefatory note by Judge Romualdez. The notes consisting of digests of the Supreme Court Reports will be welcomed by the legal fraternity. The printing and binding could easily have been improved upon.

Thus each has a demerit; yet each has more than counterbalancing merits.

LEGAL EDUCATION AND THE STATE OF THE BAR IN SPAIN

Under this heading Mr. Thomas W. Palmer in the July number of Case and Comment gives some personal observations regarding the profession of law in Spain which will undoubtedly be of interest to our readers. We quote from him the following:

"Spain is a country in which the profession of law (*abogado*) has always been one of honor and dignity, but for this reason, has been also the usual career for many sons of the aristocratic classes who have no particular talent for other professions. However, the Bar jealously guards its prestige, and maintains some rigid rules and many antique customs . . . The Spanish Universities are all state institutions under governmental supervision . . . When a student obtains the degree of *licenciatura* he is admitted on the payment of certain fees to the practice without further examination. The degree is absolutely a condition precedent to the practice . . . The outline of studies in order to obtain the *licenciatura* degree extends over a period of six years . . . The general opinion appears to be that the standards for the examination are low, although many regularly fail in some of the subjects . . . The students take few or no notes, because the instructors have their own notes (*apuntes*) printed, which they are required to purchase. This is possibly an excusable graft, as the full professors receive only \$1,200 salary . . . After the student has obtained his title . . . he must in order to actually practice in the courts of a province become a member of the *Colegio de Abogados* or Bar Association in the capital of that province, where exists a court of appeal (*audiencia*). If he locates in a village or small town he can give advice and argue in the police courts and courts of first instance without joining the *Colegio de Abogados*. . . . It is curious to notice that the annual dues are proportioned to the amount of business the individual attorney or member has . . . Each member from the busiest to the newly admitted must serve his turn in alphabetical order in the charity cases . . . In conclusion it may be said that the bar of Spain is overcrowded . . . The preparation of cases is not so strenuous under the civil law as under the case system of the common law. But, in general, the average lawyer of Spain, while not superior to our average lawyer, possesses an equal or better education and assumes a greater dignity."

ALUMNI

SERAFIN P. HILADO 320 S. Fifth Ave., Ann Arbor, Mich. U. S. A. *Secretary.*

(Alumni are requested to contribute to this department.)

JOSE A. ESPIRITU, 1913 Law	<i>Editor</i>
<i>Board of Directors, College of Law Alumni Association.</i>	
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NEWS FROM THE CLASSES

1913

MANUEL A. ROXAS is the private secretary of Chief Justice Cayetano S. Arellano.

EULOGIO BENITEZ has been taking post-graduate studies in the University of Chicago. It is reported that he has been doing excellent work in that institution.

WILLIAM C. BRADY has just returned from his trip around the world and is again back in his office in the Bureau of Customs as member of the Board of Special Inquiry.

ALEJANDRO DE GUZMAN has a successful law practice in Pangasinan and in the neighboring provinces.

CHARLES C. DE SELMS who was the first to pass the bar examination from the College of Law is now a member of the law firm "Aitkens & De Selms" in this city.

JOSE A. ESPIRITU has been appointed Instructor in Mercantile Law in the University of the Philippines where he is now teaching and acting as the Secretary of the Law Faculty.

SERAFIN P. HILADO after teaching one year in the College of Law has been sent to the United States on a fellowship by the University of the Philippines. He is at present taking up post-graduate studies at the University of Michigan. He will represent the College of Law in the coming convention of the Association of American Law Schools in Chicago.

JAMES C. VICKERS is a member of the firm "McVean & Vickers" for the general practice of law in Cebu, Misamis, Surigao, and Oriental Negros. Mr. Vickers, after graduating from the College of Law, and

passing the bar examination, went to Spain to take up post-graduate work in the *Universidad Central de Madrid*.

FELICIANO OCAMPO was for the last few months a law reporter in the Miscellaneous Division of the Executive Bureau. He has recently been transferred to the Division of Archives of the same bureau with a good promotion.

EUTIQUIANO GARCIA has been promoted from Assistant Law Clerk to Law Clerk of the Bureau of Public Works.

RICARDO PARAS, JR., is doing good work in the law firm of Lawrence, Ross & Block, in this city.

EMILIO Y. HILADO is at present practising law in Iloilo with Attorney Ruperto Montinola.

JOHN C. MACMAHON who left these Islands a few months ago on a tour around the world, is said to be at present located in Switzerland unable to return to Manila on account of the war raging around him.

PABLO LORENZO is the Assistant Private Secretary of Vice-Governor Martin. Previous to his promotion to this important position he was a stenographer in the Court of Land Registration and he, later on, became the private secretary of Commissioner Palma.

AURELIO A. TORRES has recently been appointed private secretary of Mr. Justice Torres.

BENEDICTO JAVIER received his diploma last June and is now a full fledged LL. B.

FERNANDO JUGO is the Assistant Law Clerk of the Bureau of Internal Revenue.

COLLEGE NEWS

VICTORIANO YAMZON, Senior

Editor

Student Council.

THE DEAN, College of Law,	<i>Chairman ex-officio</i>
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PEDRO YLAGAN,	President of the Sophomore Class
JOSE MELENCIO,	Representative of the Freshmen Class
PAULINO GULLAS,	Chancellor, Philippine Barristers
PEDRO SEBASTIAN,	Master Musician, College of Law Musical Club
MARCELLANO MONTEMAYOR, Board of Control, University Athletic Association	

LECTURES BY JUDGE ROXAS

Judge Felix M. Roxas, president of the Municipal Board of the city of Manila, delivered two lectures before the members of the Freshman class on August 19 and 26. He has made a special study of civil law, and his two lectures entitled "De Patria Potestate" and "De Bonorum Possessionibus" were a great help to the members of the first year class.

Dean Malcolm was present at both lectures, and he expressed himself as highly pleased with the two lectures.

A UNIVERSITY ANNUAL

At the suggestion of the College of Law, representatives from the various colleges of the University met recently at the office of the Dean of the College to formulate plans for the publication of a University Annual. The idea was favorably received by the representatives present, and committees were then appointed to begin work on the adoption of rules, the selection of a name, etc.

At a subsequent meeting, also held under Dean Malcolm's presidency, it was decided to have the editorial board of the University Annual consist of editors and business managers from each college, elected by the senior class thereof. The Class of 1915 of this College elected Victoriano Yamzon as associate editor and H. E. Chase as assistant business manager.

OPEN MEETING OF THE BARRISTERS

The third open meeting of the Philippine Barristers was held on August 22nd, 1914, in the Assembly Hall of the University. In spite of the rain there was a large audience to listen to the addresses and songs that formed part of the evening's program. Paulino Gullas, chancellor of the Barristers, had charge of the meeting, and his opening address was received with applause by the listeners. Mr. Gullas spoke generally of the activities of the College of Law.

Commissioner Stephen Bonsal of the public utilities board spoke interestingly on the European War, an address on Philippine government was given by Judge Vicente Romualdez of the Court of First Instance of Leyte, while Miss Rosario Jurado of the College of Liberal Arts delivered a recitation. Miss Natividad Calixto of the Manila high school displayed musical talent in an appropriate song, while the Glee Club of the College of Law and the orchestra from the Sampaloc Intermediate school also helped in the evening's entertainment.

THE QUESTION OF ATHLETICS AND THE COLLEGE OF LAW

By G. M. Cassidy,

Physical Director, University of the Philippines.

The purpose of this paper is not to discuss the general question of athletics from the standpoint of a magazine article but merely to suggest a few facts to the students along athletic lines with the hope that some profit may be derived therefrom.

Not long ago there was a general feeling that college boys were giving too much time and energy to football, baseball, and track at the expense of textbook knowledge. It was the cry from the "Old School" of educators that "we did not play football when we were in college and why should it be necessary for students of today to waste so much time and energy on such foolish labor and besides, this strenuous work is injurious." Such arguments are seldom heard today because educators are beginning to see that physical training is just as important in life struggles as mental training. While it is true that professional schools do not as a rule devote as much time and attention to play as the junior colleges and preparatory schools do, nevertheless men who have attained places of rank in the world claim that much of their success has been due to the physical training received on the diamond or gridiron; the famous Wellington once said: "All of my great victories were fought years ago on the football fields of England." It is an admitted fact that the victories of Caesar over the people of Northern Europe were due more to the superior training of Caesar's soldiers over that of the Gauls than to the leadership of Caesar himself. The Roman soldier was trained for his life's work and he did his work well. The same thing holds true today. Competition is stronger than ever before. The world today demands leadership; and trained men, men whose muscles are trained to do what the mind directs, other things being equal, will rule the world. Athletics develop that leadership which the world demands, and for that very reason physical training, which means athletics, is not only tolerated but fostered by our schools and colleges. "If education is the sum total of man's past experiences" then what can be gained from the athletic field is considerable. Athletic training teaches

the boy to receive and execute orders and at the same time be self reliant. It develops in the individual, patience and perseverance. It teaches man to know himself, to take defeat calmly and victory modestly, and to keep his head under trying circumstances. In a word ATHLETICS train the individual to be a man.

The next thing that comes to my mind is what will the College of Law do in athletics this year? The plan of holding an interclass field day each year is a very good one, and should be given the undivided support of both faculty and students. It has the element of competition necessary for the success of such a meet and it offers opportunity for a large number to compete. I believe it would be a good policy for the athletic council of the College of Law to make certain changes tending to bring about more training of the young men entering the different events. Each of the class baseball teams should be obliged to hold a certain number of practice games before the meet. Elimination contests should be played wherever possible to determine the best class teams. The contestants in the different events should practice their events a number of times also. Such practice never does any harm and lessens the chances of accident and injury. However, this is a matter for the committee in charge of the meet to handle and will be left in their hands.

The next thing that I consider important from the standpoint of the College of Law is tennis. This is a splendid game and should be fostered by the college authorities as much as possible. It is a game in which a man can play with pleasure all his life. A tradition has grown up around the game which makes cheating impossible; the players themselves often act as officials. The College of Law should hold another inter-class Tennis Tournament this year and plan to be represented in the University Tournament if one is held. At present owing to lack of time it does not seem wise to urge the college to compete in regular inter-college baseball and track, but I hope that in another year this will be possible. The Varsity baseball team received considerable help, last year, from the law students and several have already signified their desire to do so this year; all of which argues well for the success of the Varsity teams.

In regard to group athletics for the College of Law, another series of group or class games will probably be held. In this work the University is greatly handicapped by the want of a proper gymnasium and bathing facilities. It is not good for one's health to play games without a bath after it. Let us hope that this will be remedied in the near future by the construction for the University of the best gymnasium in the Orient.

