

that they are not willing to allow us political and national equality in the world. It is they, not we, who turn the screw of naval armaments higher and higher."

Military conquest is held to be no part of the German idea: if it were, that idea might be more easily communicated to the mob; but for practical and moral reasons that is out of the question. Germany is seeking higher, more real values. There is plenty of room in her colonies, in world-commerce, and especially in countries just now opening to western civilization, in the peculiar circumstances of Turkey and China, for peaceful realization of the German nation's task, "to permeate those parts of the world accessible to us with the spiritual meaning of our national ideal." England and Germany may share side by side in conquests of peace.

If Germany deceived herself by paying too much attention to what is only a portion of English opinion, if from a reading of striking but irresponsible and misrepresentative forth-puttings in the press she has imagined an England monstrously unlike the real, a mere hideous caricature, we may draw the obvious conclusion that nations' judgments of each others' purposes and ideals are subject to heavy discount before they can be used as foundations for policy; but equally necessary is it in the present case that Americans do not deceive themselves into thinking that Treitschke created German opinion: it is a very various compound, including among many other elements its Rohrbach as well as its Oncken and Bernhardi.

#### DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

*Initiative and Referendum.* State vs. Superior Court. (Washington, Sept. 21, 1914. 143 Pac. 461.) The determination of local officers that signatures attached to referendum petitions are genuine, is the decision of a political question and not reviewable by the secretary of state, to whom such determination is to be certified. The review by the court of the action of the secretary of state is confined to jurisdictional questions. A number of the legislative provisions regarding forms of petitions (number of names on each sheet, etc.,) are held to be directory only.

*Initiative and Referendum.* State vs. Osborn. (Arizona, Sept. 18, 1914. 143 Pac. 117.) Courts can not restrain by injunction the

submission of a measure by the initiative upon the ground that the act if adopted would be unconstitutional.

*Delegation of Power.* Cutsinger vs. Atlanta. (Georgia, Oct. 3, 1914. 83 S. E. 263.) An act is not unconstitutional because it leaves the granting or refusing of a license to conduct a hotel or lodging house to the discretion of the municipal council without describing the bounds of such discretion, since the legislature contemplates the exercise of a reasonable administrative discretion, and an applicant for a license may seek the aid of the court under proper circumstances. Upon proper allegations the court may by injunction restrain the arbitrary exercise of discretion. The opinion fully discusses the law as to unregulated discretion.

*Delegation of Powers.* Commonwealth vs. Fox. (Massachusetts, Sept. 10, 1914. 106 N. E. 137.) It is competent for the legislature to vest in the police commissioner of a city power to designate streets or sections of the city wherein peddlers may exercise their calling; also to limit hours and prescribe other regulations for the plying of their vocation.

*Statutes. Form of Enactment.* Commonwealth vs. Illinois Central R. C. (Kentucky, Nov. 10, 1914. 170 S. W. 171.) An act is unconstitutional which omits the enacting clause prescribed by the constitution.

*Statutes. Title.* Adams vs. White Lead & Color Works. (Michigan, July 25, 1914. 148 N. W. 485.) The term "accident" in a workmen's compensation act does not apply to occupational diseases. If held to apply to occupational diseases the provision would be invalid as not being within the scope of the title ("providing compensation for accidental injury or death of employees.")

*Statutes. Title.* People vs. Quider. (Michigan, Oct. 15, 1914. 149 N.W., 1.) An act "relative to the loaning of money and prescribing rates of interest, penalties and forfeitures for violations, etc.," which also regulates in detail the business of pawn brokers and provides for issuing search warrants for stolen property believed to be in a pawnshop, covers more than one subject and does not express the subject covered within the title and is therefore unconstitutional.

*Statutes, Proof of.* Frederick vs. Morse. (Vermont, Oct. 14, 1914. 92 Atl. 16.) Statutes of other states should be proved by the production of the statute itself. If oral evidence is admissible (the court inclining against this view), it must be the evidence of a properly qualified person and evidence of his qualification must be brought forward.

*Vested Rights.* In re Grand Boulevard, etc. (New York, Oct. 24, 1913. 106 N.E. 631.) The legislatures may not provide that upon the filing of a map discontinuing public streets, a lapse of six years thereafter shall extinguish private easements of abutting owners and their right to compensation for the loss thereof. The statute does not provide for notice of the filing of the map to the owners, and some notice is essential to the maintenance of due process of law.

*Civil Rights.* Commonwealth vs. Karvonen. (Massachusetts, Oct. 23, 1914. 106 N.E. 566.) The Massachusetts act of 1913 forbidding the carrying in a parade of any red or black flag or any banner with an inscription opposed to organized government, is constitutional. The court quotes from Webster's Dictionary that historically a red flag has been a revolutionary and terroristic emblem, and from the Century Dictionary that a red flag is associated with blood or danger, and thinks that the legislature was justified in regarding such a flag as a symbol of ideas hostile to established order and the display of it as likely to provoke turbulence.

*Civil Rights, Privileges and Immunities.* Sacramento Orphanage vs. Chambers. (California, Sept. 26, 1914. 144 Pac. 317.) The legislature has no power in appropriating state money to institutions for orphan children, to withhold the benefit of such appropriation from children whose parents have not become citizens of the state. If the child has been born in the state and its conditions of residence are equal to those of other children, the status of its parents may not be made a basis for discrimination.

*Police Power and Civil Remedies.* Memphis Cotton Oil Co. vs. Tolbert. (Texas Court of Civil Appeals, Nov. 7, 1914. 171 S.W. 309.) Workmen's compensation act of Texas held constitutional. If the insurance provisions of the act are invalid they can be struck out and the rest of the act will stand.

*Police Power. Labor Legislation.* People vs. Solomon. (Illinois, Oct. 16, 1914. 106 N.E. 458.) An act requiring washrooms to be provided by owners of mines, mills, shops or other businesses in which employees become covered with smoke, grime, etc., is a valid exercise of the police power. A similar act passed in 1903 for coal mines alone had been held unconstitutional as class legislation (Starne vs. The People, 222 Illinois 189).

*Police Power. Labor Legislation.* State vs. Prudential Coal Company. (Tennessee, Oct. 31, 1914. 170 S.W. 56.) An act prescribing the payment of wages at stated intervals which makes the viola-

tion of the act a misdemeanor punishable by fine, is unconstitutional, since by operation of general law upon failure to pay the fine imprisonment would be imposed. The act violates the provision of the constitution that the legislature shall pass no law authorizing imprisonment for debt in civil cases.

*Regulation of Business; "Blue Sky Laws."* Ex parte Taylor. (Florida, July 8, 1914. 66 So. 292.) An act to regulate sales of stock and other securities by investment companies, is not unconstitutional because it authorizes certain examinations and findings by the comptroller and attorney general, and vests in them the power to grant or refuse to grant or revoke permits, all such powers being subject to judicial review whether so expressed in the statute or not.

A "Blue Sky" law of the State of Iowa was declared unconstitutional by the federal district court on July 6, 1914, (*W. R. Compton Company vs. Allen*, 216 Federal 537), while an act of Arkansas was sustained by the federal district court in that state on October 15, 1914. (*Standard Home Company vs. Davis*, 217 Federal 904.)

*Municipal Corporations. Municipal Trading.* Union Ice Co. vs. Town of Ruston. (Louisiana, May 25, 1914. 66 So. 263.) Under constitution, art. 224, the taxing power may be exercised by municipal corporations under legislative authority for purposes strictly public in their nature. Held that the construction and maintenance of a municipal ice plant by a small city operating water works and electric lighting is not strictly a public activity, and therefore can not be sustained. The court reserves its opinion as to the validity of the exercise of such power if it were shown that ice can be produced so cheaply in connection with the town electric light plant that it may be classed as a by-product.

*Mandamus.* State vs. The Board of Trustees, etc. (Wisconsin, Oct. 27, 1914. 149 N.W. 205.) Where the legislature has appropriated a sum of money for additional buildings the determination of a board of trustees of the institution that the construction of such building should be delayed, the present facilities being for the time adequate, will not be disturbed by issuing the writ of mandamus.