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The Revue Internationale de Sociologie for May, 1915, contains a translation of the article by Prof. J. Salwyn Schapiro, entitled "The War of the European Cultures," which appeared in the April *Forum*.

DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

Constitutions—Amendment. State vs. Marcus. (Wisconsin, April 15, 1915. 152 N.W. 419.) Where an existing constitution prescribes a method for its own amendment, an amendment thereto to be valid, must be adopted with strict conformity to that method. Where the entries in the journals of the houses of the legislature are defective in such a manner as not to show the exact proposition that was submitted to and passed by the legislature, there is a fatal omission to comply with the constitutional requirements, and it is of no avail that the people by their votes subsequently approve the proposed change. Where no other method is provided for by the constitution a determination of whether an amendment to the constitution has been validly proposed is within the powers of the courts.

Delegation of Legislative Power. People vs. C. Klinck Packing Co. (New York, February 5, 1915. 108 N.E. 278.) An amendment to the one day's rest in seven law which exempted from the operation of the law employees in certain occupations "if the commissioner of labor in his discretion approves" was held to be an unconstitutional general delegation of legislative power. "The legislature cannot secure relief from its duties and responsibilities by a general delegation of legislative power to someone else." Under its terms the commissioner of labor has the power without check or guidance to veto the entire provision or to say whether it shall take effect in any, all or no cases. It was held, however, that this particular provision was not so intimately connected with remainder of the law as to render the entire law unconstitutional.

Delegation of Legislative Power. State vs. Briggs. (Utah, March 19, 1915. 146 P. 261.) The local option statute does not delegate legislative powers to municipalities. The voters are merely given the option of choosing sale or no sale, and when either is chosen the law determines the method of control.

https://doi.org/10.1017/S0003055400011710 Published online by Cambridge University Press

Due Process of Law. Thrift vs. Laird. (Maryland, January 14, 1915. 93 A. 449.) An act establishing a Public Service Commission, which provides that the salaries of its members and its general counsel shall be paid in part by the State and in part by the city of Baltimore, does not as far as it provides for payment of salaries by the city, deprive the city of its property without due process of law.

Elections—Preferential Voting. Orpen vs. Watson. (New Jersey, April 21, 1915. 93 A. 853.) A statute requiring a person voting for commissioners of a municipality to express a first choice for each office to be filled, under penalty of having his ballot declared void, does not contravene the constitutional provision that every citizen is entitled to vote for all officers elective by the people. A provision of the same statute allowing each voter to express second, third and fourth choices which are to be added in their order to the first and other choices to the extent necessary to ascertain which candidate has a majority of all votes cast, does not allow of voting for the same candidate for the same office more than once, for no voter can cast more than one effective vote for the same person for the same office.

Equal Protection of Laws—Discrimination against Aliens. People vs. Crane. (New York, February 25, 1915. 108 N.E. 427.) A statute prohibiting the employment of aliens on public work by a State or municipality or a contractor thereof does not unconstitutionally discriminate against aliens. The moneys of the State belong to the people thereof who are citizens, and aliens are not members of the State as a body corporate. The State may discriminate between citizens and aliens in the distribution of its own resources; for the common property of the State belongs to the people thereof, and in any distribution of that property the citizens may be preferred. The equal protection of the laws is due to aliens as well as to citizens, but "equal protection" does not mean that aliens must share in the common property of the State on the same terms with citizens, and in determining what use shall be made of its own moneys, the State may consult the welfare of its own citizens, and what is a privilege, rather than a right, may be made dependent on citizenship.

Juvenile Delinquent Act—Nature of Restraint. Weber vs. Doust. (Washington, March 9, 1915. 146 P. 623.) The State has the right to the custody of children and detention under a juvenile delinquent act

https://doi.org/10.1017/S0003055400011710 Published online by Cambridge University Press

without a warrant is not a deprivation of liberty without due process of law. Such an act is not punitive in its nature or purpose.

Municipal Corporations—Power to Enact Ordinances Regulating Billboards. Thomas Cusack Co. vs. City of Chicago. (Illinois, April 9, 1915. 108 N.E. 340.) A city has power to enact an ordinance requiring the consent of a majority of the residence owners to the erection of a billboard in a residence block under the statute giving cities the power to regulate the erection of billboards, etc., upon vacant property and buildings. On the question of the reasonableness of such an ordinance it is competent to show that the erection of billboards is productive of fire and that residence districts are not so well protected as business districts; and that billboards offer a protection to disorderly and lawbreaking persons.

Obligation of Contracts. Baltimore & Ohio R. Co. vs. Miller. (Indiana, January 29, 1915. 107 N.E. 545.) A valid contract, if indivisible, may be rendered wholly void by federal legislation subsequently passed. Consequently a provision of a contract between a railroad relief association and an employee which deprives such employee of any benefits in case he attempts to recover for the injuries by suit, being forbidden by the federal employers' liability act, invalidates the entire contract. The court further points out that the contract could not be invalidated by subsequent state legislation as such legislation would be violative of the provision of the federal constitution prohibiting a State from passing any law impairing the obligation of contracts.

Officers—Constitutional Office. Magee vs. Brister. (Mississippi, April 12, 1915. 68 S. 77.) While the legislature may within certain limits prescribe the duties pertaining to an office created by the constitution, it cannot practically abolish the office by preventing its incumbent from discharging those duties which necessarily pertain to it.

Officers—Governmental Functions. Apfelbacher vs. State. (Wisconsin, April 16, 1915. 152 N.W. 144.) A State is not liable for the tortious acts of its officers who are exercising a governmental function. The propagation of fish by the State for the stocking of public streams is a governmental, not a proprietary, function.

Officers—Term of Office. O'Laughlin vs. Carlson. (North Dakota, April 16, 1915. 152 N.W. 675.) In the absence of constitutional

https://doi.org/10.1017/S0003055400011710 Published online by Cambridge University Press

prohibition the legislature may change the term of office even after the election or appointment of the incumbent.

Officers—Manner of Appointment. Ingard vs. Barker. (Idaho, March, 1915. 147 P. 293.) The legislature upon the creation of an office may decree that the appointment of officers to fill such office may be made by the chief executive or by any person, board, corporation or association of individuals and such appointment would not be an improper exercise of power belonging to the executive. In the absence of a constitutional provision to the contrary, any one of the three departments of government may, under the authority of a statutory provision, appoint for any class of office in its department.

Personal Rights—Liberty. Weber vs. Doust. (Washington, March 9, 1915. 146 P. 623.) "Liberty," in so far as it is noticed by the government, is restraint, rather than license. It is a yielding of the individual will to that of the many, subject to such constitutional guarantees or limitations as will preserve those rights and privileges which are admitted of all men to be fundamental. "Liberty" in the civil state is a giving up of natural right in consideration of equal protection and opportunity.

Police Power—One Day's Rest in Seven Law. People vs. Klinck Packing Co. (New York, February 5, 1915. 108 N.E. 278.) A statute providing for one day of rest in seven for all laborers in factories and mercantile establishments is within the police power of the State as being an enactment which really tends to promote and protect the public health without conflicting with individual rights of property and contract. The question of the measure of leisure to be given to such laborers is one for the legislature and is not subject to judicial review when not palpably unreasonable.

Race Discrimination. Queensborough Land Co. vs. Cazeaux. (Louisiana, January 25, 1915. 67 S. 641.) A condition in a deed, for the benefit of the grantor and its other grantees, that the grantee shall not sell to a negro, does not violate the fourteenth amendment to the United States Constitution; since, so far as prohibiting discrimination against the negro race, it applies only to state legislation, and not to contracts of individuals.

https://doi.org/10.1017/S0003055400011710 Published online by Cambridge University Press

Religious Liberty—Bible in Public Schools. Herold vs. Parish Board of School Directors. (Louisiana, March 22, 1915. 68 S. 116.) The reading of the Bible, including both the Old and New Testaments, and the offering of the Lord's Prayer in the public schools, are discriminations in favor of Christians and against Jews and violate the provision of the constitution guaranteeing religious liberty.

Statutes—Sufficiency of Title. Thrift vs. Laird. (Maryland, January 14, 1915. 93 A. 449.) The purpose of a constitutional provision providing that every law shall embrace but one subject, which shall be described in its title, is to prevent the enactment of laws surreptitiously, and to give all interested an opportunity to be heard on the advisability of the proposed legislation, and to advise members of the legislature of the character thereof. While such a provision requires that the title indicate the subject, the title need not give an abstract, nor need it mention the means and methods by which the general purpose is to be accomplished.

Statutes. Sufficiency of Title. Locke vs. Ionia Circuit Judge. (Michigan, March 17, 1915. 151 N.W. 623.) The title of the act of 1899 which read "An act to provide for the examination, regulation and licensing of physicians and surgeons," while sufficiently broad to include the practice of medicine, is not broad enough to cover an amendment passed in 1913 which provides for licensing persons desiring to practice a system of treatment of human ailments without resort to drugs, medicine or surgery.

Workmen's Compensation Acts. Smith vs. Industrial Accident Commission. (California, February 16, 1915. 147 P. 600.) The federal employers' liability act is exclusive of state legislation, and an employee engaged in interstate commerce cannot recover for an injury received in his employment under a state workmen's compensation act.

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