munities of citizens of the United States are those "which arise from the powers conferred upon the national government, which are completely protected by that government, and which are enjoyed by the individual because he is a citizen," while the fundamental individual rights of life, liberty and property are not privileges and immunities of citizens of the United States (pp. 80, 81). This contention has, in fact, been pretty well established since the decision in the Slaughter House Cases. Much of the ground over which the author treads has already been covered by earlier monographs, and he adds little new light to the subject, but the book may serve as a useful summary of the leading cases on this topic. In enumerating examples of privileges and immunities of citizens of the United States, as established by the courts, he includes "exemption from race-discrimination," and cites the cases of United States vs. Reese and United States vs. Cruikshank (p. 81). In this general form, however, the statement is misleading, since these cases are authority for the exemption from race-discrimination only in the matter of voting. An appendix contains a list of leading cases and authorities.

RECENT DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

Direct legislation—referendum. Meade vs. Dane County. (Wisconsin, February 3, 1914. 145 N. W. 239.) A statute provides that no ordinance of a county board shall go into effect within twenty days from the date of its passage and that within that time a petition may be filed for the submission of such ordinance to the referendum of the voters, upon whose disapproval the ordinance shall stand repealed.

Held that this provision is unconstitutional since it covers ordinances of an administrative character in which the county board exercises quasi-judicial functions, as for instance, in allowing claims against the county. The decision also holds that since the constitution recognizes the county board as the governing body of the county its legislative powers may not be delegated to the voters and that a referendum is in effect such delegation.

Parliamentary law—delegation of power to minority. Rawles vs. Wyand. (Oklahoma, January 13, 1914. 138 Pac. 158.) By concurrent resolution which became effective on June 30, 1913, the two houses of the legislature directed an adjournment to July 5. On that day after the roll call of each house, if it should appear that a quorum had not

appeared in either house the presiding officers should immediately adjourn their respective houses without day. On July 5 less than a quorum appeared in either house and the speaker of the house declared an adjournment without day.

It was held that the session closed on June 30 and not on July 5 for there was no valid session after that day, the houses being unable to delegate their powers either to a minority or to the presiding officers.

Since referendum petitions must be filed under the constitution not more than ninety days after the final adjournment of the session and since in the present case the petition was filed on October 2, it was held that there was no valid petition for a referendum.

Administrative departments—delegation of power. State vs. Taylor. (North Dakota, December 29, 1913. 145 N. W. 425.) A statute establishes a state bonding department under the management of the commissioner of insurance for the purpose of bonding municipal corporations against losses by default of their officers. The act fixes a flat rate of premium at 25 cents for $100 worth of bonds per year, to be paid by the proper authorities to the state treasurer, the minimum premium not to be less than $2.50. The insurance commissioner is to estimate each year the amount required for salaries and expenses of the department and to reserve such amount from the premiums received.

It is held that this last provision renders the act unconstitutional since a separation of the fund into two parts, one for the payment of expenses and the other for the payment of losses, is a legislative act which the legislature may not delegate to the insurance commissioner.

It is held also unconstitutional as delegating to the insurance commissioner the determination of questions of both fact and law relating to the cancellation of bonds and to the payment of losses through the violation of duties of the officials included in the act. There is no method available under the statute by which claims on the part of municipalities against the bonding fund can be judicially enforced.

Delegation of power. Sheldon vs. Hoyne. (Illinois, December 17, 1913. 103 N. W. 1021.) A statute requiring the installation of gas safety appliances exempts buildings in which the total volume of gas introduced is not more than the average volume delivered through a $\frac{3}{4}$-inch pipe unless the conditions under which the gas is used create a danger to life or property equal to that caused by a larger average volume in which case the installment is to be made in the discretion of the proper officials.

Held that this provision renders the act unconstitutional as vesting in the official an unregulated discretion.

Police power—class legislation. State vs. Barba. (Louisiana, April 14, 1913. 61 Sou. 784.) An act forbids the employment of stationary firemen for more than eight hours consecutively in any one day in any manufacturing or office building running day and night, making an exception for firemen employed in the petroleum industry, in a cotton gin, sugar plantation, or in the sawmill industry.

Held that the exceptions, and the classification upon the basis of running by night and by day, being arbitrary, the statute is unconstitutional as violating the principle of equality. The court also refers to the provision of the constitution of Louisiana that no law shall be passed fixing the price of manual labor and intimates that the compulsory shortening of hours of labor tends to diminish the wages of labor.

Personal rights—equal protection. Smith vs. Board of Examiners. (New Jersey, November 18, 1913. 88 Atl. 963.) A statute authorizes with regard to feebleminded, epileptic or otherwise defective inmates of reformatory, charitable or penal institutions, an operation for the prevention of procreation, upon the unanimous finding of a board of examiners created for that purpose that procreation is inadvisable and that there is no possibility of any improvement in the condition of the inmate.

Held that in confining the application of the remedy to those who happen to be inmates of institutions and in whose case the danger to be guarded against exists in a very slight degree as compared with those who are at large, the statute establishes an unreasonable classification and is therefore unconstitutional.

Due process—liability for accident. Eastman vs. Jennings, etc. Logging Company. (Oregon, January 20, 1914. 138 Pac. 216.) A statute may validly give double damages for injuries by fire when the injuries are the result of willful, malicious or negligent acts of the defendant. A provision, however, to the effect that if such fires were caused or escaped accidentally or unavoidably, civil action lies only for actual damages, is unconstitutional as being repugnant to the fourteenth amendment.

Due process—lien laws. Anderson vs. Great Northern Railroad Company. (Idaho, January 14, 1914. 138 Pac. 127.) A statute

provides that any one furnishing supplies to any person engaged in cutting or manufacturing ties or lumber shall have a lien upon the same for the value of the supplies furnished.

Held unconstitutional for the reason that the lien is created irrespective of contract and without any regard to any benefit which the owner of the property may have received from the supplies furnished; and for the further reason that the law furnishes the owner of the property no notice and affords him no method of protecting himself against such claim and charges him with a claim which may equal or exceed the value of the property, although he has paid the contract price to the men who actually did the labor.

Due process—lien laws, attorney's fees. Becker vs. Hopper. (Wyoming, January 27, 1914. 138 Pac., 179.) A statute giving a sub-contractor a lien for labor and material actually entering into the structure as against an owner with whom he has no direct contractual relation, is valid. A provision, however, which in all suits to enforce such liens gives to the successful plaintiff an attorney's fee of $25, violates the guaranty of the equal protection of the laws.

The court relies upon Gulf, etc., Company vs. Ellis, 165 U. S. 150, and on Colorado and Montana decisions.

Criminal procedure. Commonwealth vs. McClanahn. (Kentucky, April 25, 1913. 155 S. W. 1131.) Sustains a statute which makes it unlawful for any official to question a person in custody charged with crime by plying him with questions or by threats or other wrongful means in order to extort from him information concerning his connection with the crime, or knowledge thereof to be used against him as testimony upon his trial and renders any confession obtained by such means inadmissible in evidence.

Due process—statutory presumptions in criminal cases. Stete vs. Russell. (North Carolina, November 10, 1913. 80 S. E. 66.) A statute makes it an offense to have in possession a certain amount of liquor for purpose of sale, and declares that possession of the amount shall be prima facie evidence that it is kept for sale.

Held that this does not destroy the presumption of innocence; the jury must, in order to convict, be convinced of the guilt of the accused beyond a reasonable doubt.

Due process—right of appeal. Cullins vs. Williams. (Kentucky, November 21, 1913. 160 S. W. 733). An act permitting the commitment of dependent children fails to provide for a right of appeal. This does not invalidate the statute since the right of appeal is purely a matter of legislative discretion. However in proper cases parties aggrieved may resort to the writ of habeas corpus or of prohibition.

Due process—summary proceedings against defaulting tax collectors. Gaulden vs. Wright. (Georgia, November 14, 1913. 79 S. E. 1125.) Civil code, sec. 1187, allows the comptroller general to issue execution against a tax collector who fails to settle his accounts with him, without providing for notice and hearing. Held unconstitutional.

A similar proceeding had been sustained by the U. S. Supreme Court in Murray's lessee vs. Hoboken Land and Improvement Company, 18 How. 272.

Equality—classification. Ex parte Lewinsky. (Florida, November 11, 1913. 63 Sou. 577.) A statute regulating the sale of intoxicating liquors may validly exempt hotels having 100 rooms or more. The court suggests that in very large hotels the bar is a mere incident, and the hotel management will, as a matter of self-protection, see to it that it is properly conducted.

Interstate comity. Newport vs. Merkel. (Kentucky, December 19, 1913. 161 S. W. 549.) An act may validly exempt non-resident owners of motor vehicles from registration and the payment of a license fee if they have complied with a similar law of the State of their residence. Such a statute supersedes an ordinance subjecting non-residents to the requirements.

Status of teachers in public schools—removal from office. People ex rel. Peixotto vs. Board of Education. (New York, Appellate Division, February 6, 1914. 145 N. Y. Suppl. 853.) The remedy of a teacher who is removed for neglect of duty is not by mandamus for reinstatement but by an appeal to the state commissioner of education. It is otherwise where the charge is one for which removal is not authorized in any event. The teacher in the present case was removed because she absented herself without leave previous to childbirth.

The court does not express an opinion as to whether necessary absence for that reason constitutes neglect of duty, but believes that there may be circumstances where absence to await the birth of a child might justify the charge.