reference work, bill drafting, compilations of laws and ordinances establishing such agencies, lists of their publications, and suggested class problems.

The fifth edition of Kirkup's *History of Socialism* which has appeared from the press of Adam and Charles Black (London, 1913, pp. 490) is practically a new work, the text being revised and largely rewritten by Edward R. Pease, in whose rooms were held the meetings in 1883 which led to the formation of the Fabian Society, of which Society he has been the secretary since 1890. The first nine of Kirkup's chapters, dealing with the history of primitive Socialists and the beginnings of the modern movement, have not been changed, but the other chapters have been rewritten, and, in some cases, condensed (especially those giving Kirkup's interpretation of Socialism), and chapters almost wholly new have been added, dealing with "The Progress of Socialism Abroad." "The Modern International," and "The English School of Socialism." This last chapter is an especially interesting and valuable one. In his preface Mr. Pease declares that he is convinced that historians in the future will recognize that the successor to Karl Marx in the leadership of Socialist thought belongs to Sidney Webb. "Marx perceived that industry must be the business of the state, but he did not foresee how this would come about. This has been the work of the English school of Socialism, which has long prevailed here, which, supported by Herr Bernstein, is capturing Germany under the name of Revisionism, which is at last creating a Socialist party in America, and indeed is gaining ground everywhere; and this school of Socialism is for the most part the creation of one man only, Sidney Webb."

RECENT DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

1. Constitutional amendment. People vs. Prevost. (Colorado, June 9, 1913. 134 Pac. 129.) The constitution of Colorado limits the number of articles of the constitution to which the general assembly may at one session propose amendments, to six. This limitation has no application to amendments proposed by popular initiative. An invalid statute enacted through the initiative as a statute cannot be sustained as a valid constitutional amendment though the method of procedure be the same for legislation and constitutional amendment. The provision that several amendments must be separately submitted does not apply to interdependent parts of one proposition.

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2. Separation of powers. Gregg vs. Laird, (Maryland, April 30, 1913.) An act creating a public service commission with power to regulate rates, etc., does not invest the commission with legislative and judicial powers, the establishment of a rate being a legislative and not a judicial act. Relying on Prentiss vs. Atlantic Coast Line, 211 U. S. 210,

3. Judicial power. Re Common Council of Lackawanna. (Appellate Division Supreme Court New York, July 8, 1913. 143 N. Y. S. 198.) A provision of the general municipal law for legalizing and confirming municipal bond issues in advance of the issue, sustained in principle.

4. Impeachment. People vs. Mayers. (Special Term Supreme Court New York. September 11, 1913. 143 N. Y. S. 325.) The power of the assembly to impeach being a judicial power, is not a legislative subject, and cannot be included in a call for an extraordinary session. The assembly might convene itself for the purpose of impeaching; it may therefore impeach in extraordinary session.

5. Referendum—excepted acts—usual current expenses. McClure vs. Nye. (California, June 7, 1913. 133 Pac. 1145.) Appropriations for structural improvements in state institutions and for the transportation of Gettysburg survivors to the reunion are not for usual current expenses and therefore do not take effect until ninety days after final adjournment of the legislature.

6. Delegation of powers. Assur vs. Cincinnati. (Ohio, June 10, 1913. 102 N. E. 709.) The flood emergency act authorizing municipal bond issues for cleansing and reconstruction purposes requires the court to determine whether a public necessity exists, whether the proposed work is temporary and should be made forthwith, and whether the amount of the proposed expenditure is justified by the necessity. Held not an unlawful delegation of power. The act is uniform in its operation, though it applies only to the flood of 1913.

7. Delegation of power. Nalley vs. Home Insurance Co. (Missouri, May 31, 1913. 153 S. W. 769.) Legislative power is unconstitutionally delegated by a statute which requires fire insurance companies to agree upon a uniform form of policy, to be approved by the insurance commissioner of the State. Said to be undistinguishable from delegating the power to prescribe the form to the insurance commissioner alone (92 Wis. 73, 166 Pa. 72).

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8. Suffrage—fifteenth amendment. Cofield vs. Farrell. (Oklahoma, July 29, 1913. 134 Pac. 407.) The so-called "grandfather" clause sustained. "There are many obvious reasons why it may be fairly assumed that one whose ancestors in former times have taken a part in the management and conduct of governmental affairs by the exercise of the right of suffrage is better qualified to take part in the conduct of governmental affairs though it be he cannot read and write, than one who can read and write but whose ancestors at no previous time had taken any part in the framework or the conduct, the preservation or the management of governmental affairs by means of the exercise of the right of suffrage."

9. Due process; summary proceedings. State, etc., Bank vs. Anderson. (California, June 10, 1913. 132 Pac. 755.) A provision of a banking act which allows the superintendent of banks summarily to take possession of the property and business of an unsafe bank, allowing the bank within ten days to apply to a court to enjoin proceedings, is not unconstitutional.

10. Vested rights—reserved power over corporate charters. D. L. W. R. Co. vs. Board. (New Jersey. Nov. 3, 1913. 88 Atl. 849.) The reserved power does not justify the imposition for alien purposes of provisions not regulative in character; so it does not justify the requirement to carry free certain state officials without limiting such requirement of travel in the discharge of official duties, where the carrying free of such officials does not subserve a distinct public policy. It is conceded that officials may be required to be carried free whose activities affect the interests of railroad companies.

11. Vested rights. St. Germain Irrigating Co. vs. Hawthorn Ditch Co. (South Dakota, September 23, 1913. 143 N. W. 125.) A number of provisions in an act prescribing regulations for the appropriation and distribution and use of water for irrigation, mining, water power and other beneficial uses, held void as violating vested rights; so the general declaration that all waters belong to the public, the requirement of a permit and a fee for leave to dig a well, the loss of riparian rights by nonuser for the period of three years, and the liability to share in the cost of a survey upon the mere filing of a suit to determine water rights.

12. Eminent domain—necessity—due process. Cincinnati vs. Louisville & N. R. Co. (Ohio, June 27, 1913. 102 N. E. 951.) The question

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of the necessity of appropriating a portion of public grounds for an elevated railroad cannot be left to be determined conclusively by the railroad company itself. The statutes are so construed as to confer jurisdiction to pass finally upon the question of necessity upon the court.

13. Police power—race segregation. State vs. Gurry. (Maryland, August 5, 1913. 88 Atl. 228.) The city of Baltimore may validly provide for the segregation of the white and colored races, but an ordinance establishing separate residence districts cannot be sustained which omits to afford proper protection for persons who may have acquired a legal right to occupy as residents any building or portion thereof by devise, descent, purchase, lease or other valid legal contract at the time of the passage of the ordinance.

14. Freedom of contract. Adenlofe vs. Hazlett. (Pennsylvania, June 27, 1913. 88 Atl. 869.) A statute declaring that no provision in a contract making the award of an engineer, architect or other person conclusive, or making the certificate of such person a condition precedent to maintaining an action on the contract, shall oust the jurisdiction of the courts, is not justified by any public policy, especially in view of the fact that it does not apply to municipal or other corporations having the power of taking private property for public use.

15. Eminent domain. Pa. Mutual Life Ins. Co. vs. Philadelphia. (Pennsylvania, June 27, 1913. 88 Atl. 904.) The legislature has no power to authorize the acquisition of private property outside of a public park or parkway in order that the city may resell the same with restrictions tending to protect the park or parkway, this not constituting a sufficient public use under the constitution. This decision is interesting as denying the constitutionality of what is known as excess condemnation, at least where not confined to mere remnants of lots.

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