

tent that it can be truthfully said, there are no more.

Another important fact is this, that nations do not grow in equal proportion at all times. Spencer and others claim that individual development generally is accompanied by a decrease in the birth rate. Whatever the cause of this phenomenon is, the fact seems to be established. France is an illustration of it, and statistical figures covering the eastern states point in the same direction. Instead of a problem of overpopulation, there is one of the opposite nature, to which some day, perhaps, the serious attention of the wise men of the earth will be directed. The Malthusian idea is an ugly specter, the creation of an ill-governed imagination.

LESSONS TO LEGISLATURES.

Calling attention to the lessons of experience is a thankless task, often; and when the moral of such lessons is sought to be impressed upon legislative bodies whose members have axes to grind, the prospect of a successful result is particularly discouraging. But lessons have been taught in Idaho and Utah, in connection with the last session of their respective legislatures, which ought not to be forgotten.

The Idaho legislature, at its last session, spent week after week in a tiresome, expensive, long-drawn-out senatorial contest, which so engrossed the time and minds of the law-makers that they could not possibly give due attention to legislation. The wasting of so large a part of the session in this way caused a pell mell rushing through of bills without mature consideration; and, to save time, many were passed without being read in full in open session as required by a provision of the state constitution. Bills that had been read by title on their introduction, referred to a committee, and favorably reported, were finally passed by both houses without being read in full; members voting for them on the strength of the committee's report; in other words, they were passed by the committee rather than by the house, a thing expressly intended by the state constitution be made impossible.

The result is a deplorable condition in reference to the laws of the state. Its supreme court has decided one of the acts unconstitutional which was passed in this way, and of course the decision applies to all other acts passed in the same way, not alone at the last session of the legislature, but at all the sessions that have been held since the adoption of the state constitution. So far-reaching is the effect of the decision that it has raised the question whether any law under which any legislature subsequent to the first was elected, was valid; and this in turn springs the question whether any of the laws on the statute book of the state, passed by any except the first legislature, are valid.

A rumor has come down from Idaho to the effect that a movement is on foot looking to the re-convening of the legislature, by a proclamation by the governor, for the purpose of impeaching the justices of the state supreme court for having rendered a decision that is causing so much trouble to the state. But in this connection the serious question arises, which legislature shall the governor convene? Shall it be the last one, concerning whose election there is a question of validity, or shall it be the first one, elected under the provisions of the enabling act passed by Congress? The gravity of the dilemma is increased by the alleged fact that so many members of the first legislature have died or removed that a quorum could be obtained only with difficulty, and perhaps not at all.

Such are the problems that are

troubling the bench, bar, officials and general public of Idaho; and these problems are largely due to the fact that members of the legislature devoted their time, efforts and attention to the furtherance of the schemes of ambitious politicians, rather than to the duties for the performance of which they were elected and paid by the people.

Of the general situation in Idaho it may be said that the members of the last legislature were elected in pursuance of the provisions of what purported to be a valid law; their election was the result of bona fide action by the people of the whole state, in whom all powers of government originate; they were sworn in and assumed office in a formal and public manner, and in like manner proceeded with the discharge of their duties and the exercise of their powers as legislators. They were, in the fullest sense, de facto officers, and the rule of law is that the acts of de facto officers, while they actually continue in office, are valid as to the public. Under this rule the validity of all acts passed, and business transacted, by the last Idaho legislature, would undoubtedly be affirmed by the courts, provided such acts were passed, or such business was transacted, in the manner provided by the constitution and laws of the state. Hence, in case an extra session of the legislature becomes necessary, the last one elected is the one to be reconvened.

While Idaho was struggling with problems that arose out of the fatuity of her solons, a sensation in the same line was sprung in Utah, by the raising of a question affecting the validity of the codified laws of the State, as passed by the last session of the Legislature. Attorney R. B. Shepard, who was a member of that body, and chairman of the house judiciary committee, which had charge of the code bill while it was pending in the lower branch of the Assembly, promulgated a few days ago, the startling statement that the code was not in force because it had not been properly published, and had not received the two-thirds vote in each house necessary to the dispensing with publication; and for the further reason that from the printed volume the enacting clause is omitted.

As good luck has it, neither of these points is well taken. The code bill, as shown by the journals of both houses, received on final passage by each house a two-thirds vote. The enacting clause appears in the original bill, and was omitted from the printed volume by direction of law. But were it not for the fact that the bill received a two-thirds vote in each house, it is hard to say where Utah would be at, in reference to her statute book.

To the suffragists of Idaho and Utah, the moral of all this is plain. They should choose for legislators men who are devoted to the interests of the people rather than to aspirants for seats in the United States Senate.

JAPAN ON THE OUTLOOK.

Close observers of events in eastern Asia believe that Japan is actually preparing to strike a blow somewhere, at no distant date. The formation of a military council composed of the marshals of the country, the commander-in-chief of the army and an admiral and the return of General Kawakami to active duties are regarded as infallible signs of preparations for hostilities. The last named officer is the strategist of the country. It is his duty to lay plans of attack, or defense, as the case may be, and upon the military council devolves the duty of devising means for the carrying out of his plans. The summoning of these officials to

their posts of active duty appears to be but the preliminary of a crusade in some direction. Can it be that the mikado believes that time has come for a test of strength with Russia?

In some quarters it is regarded as probable that such a contest would not be entirely to the advantage of the latter country. Japan has now an army double the size of that which was available during the war with China; her navy is modern in every respect. The Pall Mall Gazette believes that Japan could finish off all the Russian and German warships east of the Suez canal in short order, and that even Great Britain has not a vessel in the North Pacific capable of standing in battle against some of the Japanese ships. Nor is this estimate of the strength of the flowery kingdom believed to be exaggerated. The people themselves have supreme confidence in their ability to fight, and the recent change of ministry indicates the prevailing determination not to suffer without protest the humiliation of loss in one advantage after another secured by the treaty of peace.

It is not unlikely that the precipitation of hostilities by Japan would be followed by dire consequences. If Great Britain closes the Suez canal and all coaling stations to the combatants, neither Russia nor Germany would be in a position to send a sufficient squadron to eastern Asia. The Japanese would soon be swarming all over Corea and would perhaps invade Russian territory. To send reinforcement several thousand miles over a railroad likely to be destroyed in places by hostile soldiers and beat back an army within easy reach of supplies would be no easy undertaking for Russia.

Japan's strength and military ambition are subjects of interest for the reason that it is believed that her government may some day show special interest in the fate of the Hawaiian islands.

A PENNY SAVED.

As a result of the operation of the penny savings system in Chicago during the past year, nearly \$20,000 has been deposited by children of that city. That is regarded as a good beginning. The system shows equally good results in other places wherever put in operation. In some parts of the country penny savings banks are established in the schools. The teachers keep savings stamps for sale and the children, as soon as they have saved up a little amount, are encouraged to open up an account in a bank.

It is of great importance that children early should be trained to save. With some it is natural to do so, but the great majority of them must be taught the importance of being careful in the matter of expenditures, just as they have to be instructed in other matters necessary to their temporal or spiritual wellbeing. A good example set by the parents in the direction of economy and some savings plan whereby the child can be made to realize the value of money and other property would undoubtedly save many from the fate of a spendthrift. Local penny savings banks for the practical instruction of the young generation deserve encouragement.

James A. Joyce, dry good merchant whose place of business is at 957 Washington street, Oakland, Cal., and who lives at 810 Fourteenth street, was struck down at Thirteenth and Washington streets about 10 o'clock Sunday night by some one unknown. He may die. A series of peculiar circumstances surrounding the affair seem to implicate a friend of the unfortunate man and the police are just now puzzled over the entire matter.