

THE FORUM.—Continued.

cial case is, furthermore, based upon well recognized principles of constitutional law. The Supreme Court points out that "the decision of the case turns upon the answer to the question whether the taxation is for a public purpose." It is hard to see any validity in a contention that, under present war-time conditions at least, the distribution of fuel is not such a public purpose.

Harry H. Hoffnagle, '17.

(From Law Notes.)

RIGHT OF MUNICIPALITY TO ENGAGE IN BUSINESS OF FURNISHING ELECTRICAL SUPPLIES AND ACCESSORIES.—In *Andrew v. South Haven*, 187 Mich. 294, 153 N. W. 827, reported and annotated at length in Ann. Cas. 1918B 100, it was held that a city which operated an electric plant and supplied its inhabitants with electricity had also in that connection the power to do electric wiring on private premises and furnish fixtures and other accessories essential and convenient in the use of electricity. The court said: "Water sent through pipes to a customer's residence or place of business is water delivered to him ready for use in its then condition. He may heat or cool it, drink or bathe in it, and make whatever use of it he desires. But electric current delivered to him at his residence or place of business as it is transmitted over the wires, in its then condition, neither affords him heat, power, or light without further mediums and appliances. The statute and Constitution do not in terms limit the service to supplying the energy, but authorize the city to supply its inhabitants with water, light, heat, power, and transportation. It may well be contended that furnishing to customers taking electricity the necessary devices or equipment to produce heat, power, or light from the current is naturally incidental to and an implied power connected with the business of operating an electric light plant. It does not appear that the municipality in so doing is conducting the business by different methods or under other rules than those which are observed by and control private business corporations or private individuals in the operation of an electric plant. The old law of municipal trading, involving the propriety and expediency of authorizing a municipality to engage in general business of like kind, has little bearing here; but the rule remains that taxation can only be for public purposes generally in private business. We are past the general question of the validity of legislation authorizing municipal ownership and operation of plants and their necessary equipment to furnish the concentrated population of cities with certain general needs and conveniences, like water, light, heat, transportation, telephone service, etc.; and it is held that the court will not interfere with any reasonable exercise of the implied powers to operate such plants in a business way, and as any private corporation could or would."

A POLITICAL LEAGUE TO ENFORCE PEACE.

By CHARLES FREMONT TAYLOR.

The following article is by Dr. Charles Fremont Taylor, of Philadelphia, Editor of "Equity," a quarterly devoted to advocating direct legislation and proportional representation. The importance of the subject at this time warrants the use of the space being given to this important article which appeared in *The Public* of June 15, 1918.

There are now two leagues to enforce peace in existence, and both are very active at the present time. One consists of Germany, Austria-Hungary, Turkey and Bulgaria, known collectively as the Central Powers. The other consists of England, France, Italy, Japan, the U.S.A., and nearly a dozen lesser states, known collectively as the Allies, though the U.S.A. is not formally in the Alliance. The Central Powers are under the hegemony of Germany; the Allies, or the nations associated to resist German aggression, are not under the hegemony of any one of its members. However, Great Britain directs the Allies' forces at sea; General Foch, a Frenchman, is the Generalissimo of the land military forces, and President Wilson is regarded as the ablest political leader in the nations opposed to Germany.

The Central Powers, under the leadership of Germany, are seeking peace by means of military aggression and autocratic military and political domination of the Allies and finally of all the world. The Allies, or the liberal nations, are seeking peace by successful military resistance to Germany's aggressions, and the establishment of a peace which has not yet been defined.

Germany proceeds by conscienceless military methods, and by political methods no less aggressive and conscienceless. The Allies, now and for most of the period of the war on the defensive, proceed with due regard for civilized warfare, though they have been compelled to adopt from the Germans some of the heretofore excluded war measures, as poison gas, dropping bombs on civil populations, etc.; and they have not used their collective political powers at all!

Germany not only binds her allies to her by obligation, fear and hope, but as soon as she has attained military supremacy over an opponent she immediately begins political reconstruction according to her own ideals. This is amply illustrated by recent developments in Russia and Rumania. And she is constantly attempting "political offensives" in the countries opposed to her, and sometimes they succeed as distinctly as her military drives. Germany achieved her Russian victories by political as well as by military operations; and the Teutonic victory in Italy, which came near putting Italy out of the war, was the result of political as well as military aggression.

The Allies have been compelled to adopt military war with Germany in self defense. Why should they not make political warfare for the same purpose? The allied nations can never be held together after the war for the preservation of peace except by political co-operation. The same political action will help them to win the war; and they cannot keep the war won except by political co-operation.

To illustrate just what is meant by "political co-operation, let us glance hastily at a few important points in the history of our Revolutionary War:

The First Continental Congress was proposed by Massachusetts and Virginia in 1774; the suggestion was promptly acted upon by the other colonies, which sent delegates and the Congress was convened in that year. It was chiefly a deliberative and consultative body, but it also promoted inter-colonial interests in a positive way. The Second Continental Congress, convened in 1775, was also largely a consultative body, but events compelled it to also assume inter-colonial legislative and executive functions. For example, it appointed officers to the inter-colonial army and prescribed their pay, George Washington being made Commander-in-Chief. It issued articles of war, regulations of trade, and of Indian affairs, established postal communications and issued continental bills of credit. All this was done before the Declaration of Independence in 1776. And critics may say that these actions were crude, and that the bills of credit became worthless. All reasonable criticisms may be granted, and it is conceded also that there was much bickering and jealousy among the colonies. But it must also be conceded that the First and Second Continental Congresses were the beginning of inter-colonial political as well as military life; and without the political as well as the military part the war could never have been won; and without the inter-colonial political life, which was begun in these two Congresses and which has continued to the present day, the war would not have stayed won.

The "Articles of Confederation and Perpetual Union," were submitted to the states by Congress in November, 1777, and became effective in 1781 by their ratification by a sufficient number of states. The war was won two years later, peace being ratified September 3, 1782; but while military operations were thus ended, inter-colonial political life continued under the Articles right along. In a few years it was seen that the Articles were imperfect, inadequate, unsatisfactory. But that was no reason for giving up organic inter-colonial political life. It was a reason for wishing it better. The Convention called in 1787, instead of patching the old instrument, made an entirely new and incomparably better one—our present Constitution, under which, amended from time to time, has been possible the creation of a great nation.

We are now in the midst of another revolution. If the forces of liberalism and freedom in this revolution are guided as wisely as were those in the revolution just hastily reviewed, this revolution will also be successful, and its results will be even more important and far reaching, if possible, than the revolution of 1776-1783.

But if in the American revolution combined political action of the colonies had been neglected the war would certainly have been lost; and if won, the victory would have been temporary and in vain. Can we not apply the same principle and the same truth to the present struggle?

(To be continued.)