

lieve, even were it so, that there is an honor that must take precedence of that of the army—to wit, the honor of the country—and that demands justice and humanity under all circumstances. The army, unless it is to become a dangerous menace to liberty, as it did in the great world power of ancient days after Rome had turned from republic to empire, is but the servant of the country. In a democracy proper, to which wars of conquest are alien, it should be but a police force, a guardian against foreign invasion. At all times it should be responsible to the country for its good or evil deeds, and so always ready to have the full light of publicity cast on its actions. Especially is this true when the army operates far from our shores, in a foreign land, and away from the wholesome restraints of public sentiment. Sober men may well scent danger in the air if, when this military steward is called to render account of his stewardship, the just and proper requirement is met by concealment, by evasion, or by insolent refusal to answer the master's inquiries. But the citizen, the master alike of military and civil representatives, will not be so put aside. He will reason fairly: My servant would not so act if he had done nothing to be ashamed of. Having done wrong, he doubtless argues that only can he sustain himself in a false position by pretending to an authority, a right that is not his. If so, then the time has come for me to bestir myself. The master will call for his steward's books; he will go over them all; no page shall be left unturned. How the steward has spent his lord's money, and how he has represented or misrepresented his lord's honor and authority, shall he know, completely; and though evil acts have been done in the darkness and fancied concealment of a far country and upon those too weak to resist the wrong, they shall all stand out in their ugly nakedness in the noontide at home.

A recent decision of the New York court of appeals holds flatly that there is no redress for the publication of a portrait, not libelous, of another person without his consent, even for the purpose of advertising the goods of the publisher. The decision was made in an injunction suit brought by a young woman to prohibit the use by a firm of flour manufacturers of a copy of her photograph as an advertisement. In the lower court she had won the case, that court having invented a new right, which it called "the right of privacy." But the highest court of

the state not only denies that there is such a right in the law, but holds that if it were adopted as a general principle it would logically lead to absurd and oppressive litigation. As presented, the case does involve a hardship to the young woman. But it is doubtless true as the upper court decided that "the right of privacy, once established as a legal doctrine, cannot be confined to the restraint of the publication of a likeness," but must necessarily embrace any unauthorized disturbance of personal privacy even though not an assault nor a libel. Such a "right" might raise havoc with other and more important rights.

At the national meeting of the turners society, which recently closed, that body decided to unite with other bodies throughout the country in efforts to abolish tax exemptions on church property. The motion was strongly opposed by delegates from the East, who tried in vain to make the convention appreciate the position with respect to taxation of Eastern turners societies. It seems that in some Eastern states they, as well as churches, are exempt. Therefore they didn't want the churches disturbed. How intensely human! Whether exemptions of churches are right or wrong made no difference to those patriots, so long as they also were exempt. It is this same unrighteous shortsighted spirit in the churches themselves that makes the unfair exemption of church property possible. A great number of small congregations are willing to support the system because they get a modicum of financial benefit out of it. In consequence congregations of enormous wealth are exempted and an extra burden of taxation is shifted to shoulders that ought not to bear it, those of small and poor congregations included.

Rapid progress has been made in the direction of establishing direct legislation without waiting for legislative action—the system, that is,

which has for some time been in use in Winetka and which we fully described in volume iv., at page 340. The Detroit common council is one of the bodies to adopt it. By a unanimous vote on the 17th of June that body did so by amending its rules. It inserted the following clause:

Every ordinance granting, amending or renewing a franchise for a public utility, which may have passed its third reading shall, before its final passage, lie on the table thirty (30) days from and after the date of said reading, and, if within that time a petition signed by 18 members of the Common Council, or five per cent. of the qualified voters of the city, as shown by the last preceding registration, be filed with the city clerk asking that such ordinance be submitted to a vote of the qualified voters of the city, it shall be so submitted at the next regular election, and, if a majority of votes cast at said election favors its passage, it shall then be put upon its final passage.

A similar amendment to the rules of the Chicago common council was introduced on the 8th and referred to the committee on rules. This plan has worked admirably in Winnetka. The demand for direct legislation is growing more insistent as its merits become better known, and there is no better way of making them better known than by this Winnetka plan, the essence of which is a pledging of candidates for legislative office that they will not vote for the final passage of any kind of law specified in the pledge until it has been referred to popular vote and been approved by the people. The plan has the advantage of educating the public to an understanding of direct legislation and of securing some of its practical benefits while the process of education goes on.

#### THE GLAMOUR AND THE TRUTH OF HISTORY.

When Louis Napoleon—with what a flare of trumpets!—was fighting Austria in behalf of Italian freedom and unity, there was nothing on the surface, until the astonishing peace of Villafranca, to show that his part in the war was a sham. Even at the time of the peace only a few, like Mazzini, saw through the causes of the sudden cessation of hostilities,