privileged unless actual malice is shown. A communication to a proper public officer as to a suspicion of crime is so regarded. *Mueller* v. *Radebaugh*, 79 Kan. 306, 99 Pac. 612. The same is true of complaints made to public officers concerning the alleged misconduct of a subordinate. *Tyree* v. *Harrison*, 100 Va. 540, 42 S. E. 295; *Howarth* v. *Barlow*, 99 N. Y. Supp. 457. A petition to the proper official against the issuing of a teacher's license is qualifiedly privileged. *Wieman* v. *Mabee*, 45 Mich. 484. *Cf. Bodwell* v. *Osgood*, 3 Pick. (Mass.) 379. Similarly, a communication to the proper official as to alleged misconduct of a saloon proprietor enjoys a qualified privilege. *Coloney* v. *Farrow*, 39 N. Y. Supp. 460. This is so even though the petition has been circulated for signatures. *Vanderzee* v. *McGregor*, 12 Wend. (N. Y.) 545. The communication, however, must be made at a reasonable time and in a reasonable manner. This was not done in the principal case. See *Werner* v. *Ascher*, 86 Wis. 349, 56 N. W. 869.

MUNICIPAL CORPORATIONS — TERRITORIAL LIMITS — *QUO WARRANTO*. — As the result of an accident upon a highway, the question arose whether the highway was within the jurisdiction of a certain city or an adjoining township Both deny jurisdiction over the disputed tract of land. The state brought *quo warranto* against the city to determine its true boundary. The city contended that *quo warranto* would not lie to correct its conduct in confining its territorial jurisdiction within too narrow limits. *Held*, that *quo warranto* was the proper proceeding. *State ex rel. Ramsey* v. *City of Hutchinson*, 169 Pac. 1140 (Kan.).

Quo warranto is appropriate to test the legality of the exercise of a public franchise. It is held the proper proceeding to determine the right of a municipal corporation to exercise jurisdiction over added territory. *East Dallas* v. *State*, 73 Texas, 370, 11 S. W. 1030; *People* v. *City of Peoria*, 166 Ill. 517, 46 N. E. 1075. But it is difficult to see how the writ can be maintained where as in the principal case the converse situation is involved. As there has been no usurpation of a franchise, the writ is unavailing. *Attorney-General* v. *City of Salem*, 103 Mass. 138. The fact that two suits may be necessary to fix liability for the accident on either the city or the township, shows the need of procedural reforms, permitting joinder in the alternative, but it does not justify torturing *quo warranto* to serve an unintended purpose.

PATENTS — NATURE AND REQUISITES FOR PATENT — EFFECT OF SECRET USE OF DEVICE ON RIGHT TO PATENT. — The plaintiff, who had invented a process for the manufacture of glass, and who, having used it for ten years in secret, placing the product on public sale, had patented the process when he could no longer keep it secret, sued the defendant for infringement of his patent. The patent law provides that in such a suit it should be a defense that the invention had been "abandoned to the public" before the application for the patent. (REV. STAT. § 4920.) *Held*, that the plaintiff could not recover, since he had abandoned the invention to the public. *Macbeth-Evans Glass Co.* v. *General Electric Co.*, 246 Fed. 695.

The patent laws specify no time after the invention within which a patent must be applied for. Mere delay in applying for a patent, where there are no intervening rights, does not forfeit the right to secure it. *Bates* v. *Coe*, 98 U. S. 31. It is difficult to see how the use of a process in secret, with the continuing purpose of applying for a patent as soon as the secret can no longer be kept, is an abandonment of the process, and an abandonment to the public. The decision can, however, be supported on another ground. The purpose of the patent laws, as set forth in the United States Constitution, is "to promote the progress of science and useful arts by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries." U. S. CONST.,