Washington University Law Review

Volume 16 | Issue 1

January 1930

Constitutional Law—Police Power—Regulation of Barbers

Legislation of this type often defeats its own purpose by being hastily and inefficiently drawn up. The Missouri act merits this criticism. A "bomb" is said to be any device charged with powder or other explosive. This description is inclusive enough to cover all kinds and sizes of explosives, even down to small firecrackers. The wording of the Oregon statute is subject to the same criticism. Is it possible that such a relatively insignificant offense as maliciously exploding a firecracker and causing personal injury should be considered as bombing, and be punished as a felony, conviction for which is punished by a sentence of from two years in the penitentiary to death? The Ohio and Kansas statutes, which apply only to "any cartridge, shell, bomb or similar device," seem to be more intelligently drafted than the Missouri enactment; but it is probable that the latter, by discerning application, will satisfactorily accomplish its purpose.

C. F. M., '31.

CONSTITUTIONAL LAW—POLICE POWER—REGULATION OF BARBERS.—In order to practice the "art" of barbering in Illinois, one must now attend a qualified barber college for 1248 hours, as well as undergo a period of apprenticeship lasting two and one-half years. Ill. Laws 1919, p. 189. The idea of barber colleges is not a new one, but attendance at them has been accepted heretofore in lieu of, rather than in addition to, apprenticeship. Ill. Laws 1909, p. 98; Mo. Laws 1921, p. 156. Barbering has assumed the dignity of a profession. The Legislature of Illinois so refers to it in its enactments.

Courts have generally held that acts providing for the examination, licensing and regulation of barbers are a valid exercise of the police power to adopt regulations for the health, comfort and well-being of society, and not void as an abridgment of the liberty and natural rights of citizens. *State v. Walker* (1907) 48 Wash. 8, 92 Pac. 775. The test usually laid down is whether the restrictions imposed by the statute are reasonable. There can be little doubt that twenty-five years ago the statute in the present case would have been held to impose unreasonable restrictions. Barbering was then merely a trade, and all that an ambitious man needed to enter it were instruments and some sense of symmetry. But along with the growing consciousness in the trade of the dignity of its calling came a widening conception on the part of the courts of what are reasonable requirements for its practice. There can be little doubt, then, of the constitutionality of the present statute on this particular point, especially in view of the decision upholding the prior Illinois statute. Ill. Laws 1909, p. 98. In that case the court said: "Three years seems a long time to require for learning the trade of a barber, but we cannot say that it is so unreasonably long as to constitute an unreasonable restriction upon the right to engage in the trade." *People v. Logan* (1918) 284 Ill. 83, 119 N. E. 913.

P. S. A., '31.