

rights without due process of law and contrary to the Constitutions of the State and the United States?

The case just decided originated in Euclid Village, a suburb of Cleveland, Ohio. An inferior Federal court had held the local ordinance unconstitutional and void, and an appeal was taken to the United States Supreme Court on the specific question whether the ordinance did violate the property rights of certain landowners by unreasonable and confiscatory regulations under the guise of the police power. So in its last analysis this case raised anew the nature and true extent of governmental police power.

It is beyond doubt that ordinances may protect the people of a town from fire, accident, or disease. It is equally true that they must not arbitrarily interfere unless public safety, health, morals, or general welfare is involved. But all those essentials are changing, and old definitions must change with them; this decision, for instance, points out that our present traffic laws would before the advent of automobiles have been condemned as totally arbitrary and unreasonable. It says also: "Until recent years, urban life was comparatively simple; but with the great increase and concentration of population, problems have developed, and constantly are developing, which require, and will continue to require, additional restrictions in respect of the use and occupation of private lands in urban communities. Regulations, the wisdom, necessity, and validity of which, as applied to existing conditions, are so apparent that they are now uniformly sustained, a century ago, or even a half a century ago, probably would have been rejected as arbitrary and oppressive."

Throughout, this decision indicates that the State laws rightly recognize the fact that any definition of the police power must be subject to enlargement as conditions change. Therefore it declares: "It is enough for us to determine, as we do, that the ordinance in its general scope and dominant features, so far as its provisions are here involved, is a valid exercise of authority, leaving other provisions to be dealt with as cases arise directly involving them."

The various zoning laws passed by States have recognized the fact that there are often conflicting interests involved; in this case, for instance, it was

claimed that, if the zoning law were upheld, land worth \$10,000 an acre for industrial purposes would bring only \$2,500 an acre for residential use; on the other hand, the right of the people of Euclid Village to a proper and desirable development of the neighborhood is in a true sense a property right. For this reason all zoning laws provide methods of adjustment and of making exceptions to the rules when injustice or wrongful hardship is involved.

Comments of the press in this decision regard it as a substantial victory for the wide and common-sense doctrine that a municipality should be able to check the ruin of residential sections and to encourage the right sort of development. Judge Sutherland, who delivered the opinion, even quoted with approval the apothegm that "a nuisance may be a right thing in the wrong place, like a pig in the parlor instead of in the barnyard."

Congress Can Limit Prescriptions

FIVE judges of the United States Supreme Court uphold the Constitutionality of the law which limits the quantity of medicinal whisky which physicians may prescribe.

This means that there is nothing to prevent Congress from substituting its judgment for the judgment of the individual physician in deciding to what extent alcohol is necessary or valuable as a medicine.

From this decision four judges of the Supreme Court record their dissent.

Among the majority are two judges most widely known for their liberal views—the oldest member of the Court in both years and service, Justice Holmes, and the writer of the opinion, Justice Brandeis. The others in the majority are Chief Justice Taft, Justice Van Deventer, and Justice Sanford. In the minority are Justice Sutherland, who wrote the dissenting opinion, Justice McReynolds, Justice Butler, and Justice Stone.

To many physicians this decision will seem to be the Court's approval of an invasion of their right, as scientific men, to be governed by the facts as they understand them and not by the opinion of a political body. What the Supreme Court decided, however, is not whether the judgment of Congress is better than that of the physician, but whether Congress has the right to substitute its opin-

ion—better or worse—for that of the individual physician. In this case the right of Congress rests upon that provision of the Constitution which gives Congress power to make laws necessary and proper for carrying into execution the prohibition of the manufacture, sale, and transportation of intoxicating beverages. The remedy, if any is needed, lies, according to this decision, not with the courts, but with Congress. Of course, the Supreme Court would not uphold Congress in carrying the Eighteenth Amendment into execution by unreasonable law. Sufficient medical opinion, however, against the need of whisky as a medicine was laid before Congress to make it clear, in the opinion of the majority of the Court, that the limitation upon prescribing alcohol was not unreasonable.

It is interesting to note that in upholding the provision against prescribing malt liquor the decision of the Supreme Court, in a former case, was unanimous.

The Strike Threat in Canada

ALTHOUGH an average of eighty-five per cent of the 15,000 conductors, trainmen, and yardmen employed on Canadian railroads voted recently for a "peaceful withdrawal from the railroad service," and although international leaders of the railroad brotherhoods are in Montreal watching the situation, it is not generally believed in Canadian Government and railroad circles that a strike will ensue.

Events leading up to the strike vote began in February of this year, when the employees gave notice of a desire to open negotiations for a new wage agreement. The request was for a six per cent increase, to bring Canadian wages on an equality with United States wages for the same classes of work; and the request was also made that in the event of further increases being granted in the United States similar increases should automatically become effective in Canada. It was pointed out that prior to the war Canadian railroad workers received an average of six per cent more than United States workers, and that this differential was really essential on account of higher living costs and exceptional climatic conditions.

The railroad companies declining to meet the request, on the ground that the increases asked were not warranted



Keystone

Princess Ileana, Queen Marie, and Prince Nicholas of Rumania getting a farewell view of America as they sail for home

either by an advance in living costs or by increased railroad earnings, the employees asked for a board of conciliation and investigation under the Industrial Disputes Act. This board convened in Montreal on September 4. Evidence was presented by both parties. The board filed its report with the Federal Minister of Labor on October 31, finding in favor of the railroads. The men declined to accept the verdict and proceeded to take a strike vote.

It is expected that the next stage of the proceedings will be a series of negotiations between Sir Henry Thornton and E. W. Beattie, Presidents of the Canadian National Railways and the Canadian Pacific Railway, respectively, and the international brotherhood chiefs, at which the Federal Minister of Labor will probably also sit in; and it is believed that a peaceful solution will be arrived at, although the final conclusion will likely depend somewhat upon the

result of negotiations now in progress between United States railroads and their employees.

Queen Marie Returns Home

THE critical illness of King Ferdinand of Rumania made it necessary for Queen Marie to cut short her visit to the United States. She is conceded to be the most forceful political personality in Rumania, and a series of problems evidently demanded her attention.

First of all, there is the question of the succession to the Rumanian throne. The hereditary Crown Prince, Carol, renounced his right to power, in order to make an alliance which the royal family disapproved; and his personal life in Italy and France has given rise to gossip throughout Europe. But in Rumania, particularly in army circles, he still has a strong following. It was feared that the death of his father, if it should occur, might lead to his return to Rumania and

to a military movement to place him on the throne. Further, apparently there is fear of Communistic agitation.

These complexities of the Rumanian situation are of slight concern to the United States. But what is of concern is the sudden termination of the visit of Queen Marie. By thoughtful people that will be regretted. Her visit was seriously undertaken, and before she arrived there was sincere interest in her coming. She had some bad advisers, and her first appearances and messages had the reverse of the effect that was desired. But early errors of judgment were being corrected, and gradually the United States was forming a new and revised impression. Queen Marie had wished to study industrial and political and social organization in the United States and to take back to Rumania the principles which she found adaptable to the needs of her people. Her disturbed stay and its sudden end must have made impossible the realization of this purpose. It is unfortunate that a plan earnestly conceived should have been so quickly and thoughtlessly defeated.

The Jews and the Arabs

THE idealism and fine sentiment in the Zionist idea of making Palestine a national home and country for Jews has a large appeal. Whether the plan is practical or visionary is fairly open to debate and diverse opinions. It is often said that of the Jews that will contribute to a Zionist fund few want to live in Palestine.

Dr. Henry S. Pritchett, presumably in his capacity as a trustee of the Carnegie Endowment for International Peace, has lately studied this question on the spot, and answers it negatively and positively. In brief, Dr. Pritchett states that the movement is visionary, and that it will bring about more bitterness than now exists between the Arabs and the Jews. Economically, he thinks, it will not work; the Arabs toil endlessly for a meager living; as Mohammedans they hate the Jews, and will not help them; the effort of the British, who have the Palestine mandate, is only resulting in enormous cost with little gain; the enterprise is artificial; "the inherent poverty of the country, its lack of resources, the absence of an industrial life, operate to make futile the economic success of such an effort."

Naturally, Dr. Pritchett's assertions