within the acts. Two amendments of the Judicial Code §§ 24 and 256, 40 Stat. 395 (1917), 42 Stat. 635 (1922), sought to save for injured employees, other than the master and members of the crew of vessels on navigable waters, their rights and remedies under their own state workmen's compensation acts. However, these two amendments have been declared unconstitutional as destructive of the uniformity of maritime jurisdiction, and as discriminatory in attempting to deprive federal courts of jurisdiction over certain admiralty cases while vesting them with jurisdiction over others. *Knickerbocker Ice Co. v. Stewart*, 253 U.S. 149 (1920); *Washington v. Dawson*, 264 U.S. 219 (1924). In 1927 the Longshoremen's and Harborworkers' Compensation Act was passed, 44 Stat. 1424 (1927), making federal law in these cases comparable to the state compensation acts. See Athearn, The Longshoremen's Acts and the Courts, 23 Calif. L. Rev. 129 (1935). With the reason for the extending of the scope of the state acts gone, that tendency should disappear, and the line between the two jurisdictions should appear more clearly.

Constitutional Law—Applicability of the Fifth and Sixth Amendments to State Legislation—Sufficiency of Statutory Language—[Federal].—A Florida statute prohibited the conduct of "any 'marathon,' 'marathon dance,' 'walkathon,' 'skatathon,' 'bikathon,' or any other physical contest of a similar nature." The plaintiff, a promoter of a marathon, seeks to enjoin the enforcement of this statute, contending that because the words "marathon," "walkathon," etc., had no established meanings, there was no ascertainable standard of guilt and that he was therefore being deprived of his right to due process and his right to be informed of the nature of the charge against him. *Held*, the enforcement of the statute will not infringe plaintiff's rights as secured by the fifth and sixth amendments of the Federal Constitution. *Weaver v. Stone*, 11 F. Supp. 559 (D.C. Fla. 1935).

A statute which forbids, or requires, the doing of an act in terms so vague and uncertain that men of common intelligence must guess and differ as to its application, violates the requirements of due process of law. See 3 Willoughby, Constitutional Law § 1142 (2d ed. 1929). Criminal statutes of the Federal government have been brought within the purview of this general rule by application to them of the fifth and sixth amendments of the federal constitution, the former amendment requiring due process of law, and the latter, that a party to a criminal suit shall know the nature and cause of the accusation against him. *U.S. v. Cohen Grocery Co.*, 255 U.S. 81 (1921); *Nash v. U.S.*, 229 U.S. 373 (1913). But these amendments are not applicable to state statutes, for, since Chief Justice Marshall's opinion in *Barron v. Baltimore* (7 Pet. (U.S.) 243 (1833)), in which the fifth amendment was declared operative as a check on the federal government only, there has never been any serious doubt that the first ten amendments are inapplicable to state legislation. Black, Constitutional Law 42 (4th ed. 1927). The Supreme Court, however, has extended to state legislation also the requirement that statutes be reasonably definite and certain by interpreting the due process clause of the fourteenth amendment as obligating the states to frame their criminal statutes so that no defendant shall be held responsible for offenses so indefinitely described that he cannot fairly determine whether or not he is committing them. *Cline v. Frink Dairy Co.*, 274 U.S. 445 (1927); *Hygrade Provision Co. v. Sherman*, 266 U.S. 497 (1925); *Omaechevarria v. Idaho*, 246 U.S. 343 (1918); *International Harvester Co. v. Kentucky*, 234 U.S. 216 (1914). Since the same standards have been estab-

lished for preventing ambiguous and uncertain statutes under the fifth and sixth amendments as under the fourteenth, the court in the instant case, although obviously in error insofar as it discussed the validity of the Florida statute within the fifth and sixth amendments, nonetheless properly applied a similar test.

In holding that the Florida statute was not so vague as to violate the due process clause, the court seems correct. The plaintiff's contention that the words "marathon" and "walkathon" have no established meaning can hardly be sustained in view of the fact that the terms have been commonly used for the last few years to designate a new type of amusement or contest. See Survey, Feb. 1934; Collier's, July 23, 1932. The instant case offered opportunity for application of the rule that words of popular meaning in a statute are to be interpreted in their "natural, plain, and ordinary significance." Black, Interpretation of Laws § 57 (1896); see *Hygrade Provision Co. v. Sherman*, 266 U.S. 497 (1925) (statute using word "kosher" held not vague or uncertain); *Omaechevarria v. Idaho*, 246 U.S. 343 (1918) (statute failing to define boundaries of "range" or to specify what was meant by a span of time that is "usually" was upheld as constitutional); *State v. Arnold*, 217 Wis. 340, 258 N.W. 843 (1935). But see *U.S. v. Cohen Grocery Co.*, 255 U.S. 81 (1921) (an act punishing any unreasonable rate or charge in dealing with necessaries was held invalid); *Connolly v. General Construction Co.*, 269 U.S. 385 (1926) (statute requiring state contractors to pay wages equal at least to the current rate in the locality where work was to be done was held invalid).

Constitutional Law—Eminent Domain—Right of Federal Government to Condemn Land for Housing—[Federal].—The United States sought to condemn four city blocks for slum clearance and for construction of a low cost housing project under authority of title 2 of the National Industrial Recovery Act § 203(a). *Held*, affirming the district court, that the general welfare clause (U.S. Const., Art. 1, § 8, cl. 1) does not carry with it the power to condemn land for housing purposes, and housing is not a "public use." *U.S. v. Certain Lands in City of Louisville*, 78 F. (2d) 684 (C.C.A. 6th 1935). *Cert.* granted, *Supreme Court Service, Oct. Term 1935, p. 819.*

Although there is no express constitutional grant to Congress of the power to condemn land, the fifth amendment recognizes the power by requiring that it be exercised for a public use. See Nichols, Eminent Domain § 23 (2d ed. 1917). And eminent domain is a necessary attribute of sovereignty. Nichols, Eminent Domain § 17 (2d ed. 1917). But it is generally stated that the federal government cannot exercise it except to execute a power delegated by the Constitution. *Kohl v. U.S.*, 91 U.S. 367 (1875); *U.S. v. Gettysburg Elec. Ry. Co.*, 160 U.S. 668 (1895); Lewis, Eminent Domain § 408 (2d ed. 1917); Cooley, Constitutional Limitations 1113 (8th ed. 1927); but see 1 Law and Contemporary Problems 232, 233 (1934); *Brown v. U.S.*, 263 U.S. 78 (1923). Land can be condemned by the federal government for housing, if at all, only under the general welfare clause (U.S. Const., Art. 1, § 8, cl. 1), which provides that Congress shall have power to tax "to pay the debts and provide for . . . . the general welfare." 1 Law and Contemporary Problems 232. But see remark in *N.Y. City Housing Authority v. Muller*, 279 N.Y.S. 299 (1935) (inter-state commerce power possible).

The general welfare clause had not (until recently) been delimited by the Supreme Court of the United States. 9 Temple L. Q. 3 (1934); Corwin, Twilight of the Supreme Court, p. 177 (1934). It is generally regarded as including a grant of the power to