

States, *supra*. The Fifth Amendment gives to each owner of property his individual right. The constitutional right of owner A to compensation when his property is taken is irrespective of what may be done somewhere else with the property of owner B. As alien friends are embraced within the terms of the Fifth Amendment, it cannot be said that their property is subject to confiscation here because the property of our citizens may be confiscated in the alien's country. The provision that private property shall not be taken for public use without just compensation establishes a standard for our government which the Constitution does not make dependent upon the standards of other governments. The act of Congress should be interpreted in the light of its manifest purpose to give effect to the constitutional guaranty.

Nor do we regard it as an admissible construction of the Act of June 15, 1917, to hold that the Congress intended that the right of an alien friend to recover just compensation should be defeated or postponed because of the lack of recognition by the government of the United States of the régime in his country. A fortiori, as the right to compensation for which the act provided sprang into existence at the time of the taking, there is no ground for saying that the statute was not to apply, if at a later date, and before compensation was actually made, there should be a revolution in the country of the owner and the ensuing régime should not be recognized. The question as presented here is not one of a claim advanced by or on behalf of a foreign government or régime, but is simply one of compensating an owner of property taken by the United States.

The Act of June 15, 1917, if read according to its terms, presents no difficulty. A condition should not be implied which, to say the least, would raise a grave question as to the constitutional validity of the act. *Federal Trade Commission v. American Tobacco Co.*, 264 U. S. 298, 307, . . . ; *Missouri Pacific Railroad Co. v. Boone*, 270 U. S. 466, 471, 472, . . . ; *Blodgett v. Holden*, 275 U. S. 142, 148, . . . ; *Richmond Screw Anchor Co. v. United States*, 275 U. S. 331, 346, . . . ; *Lucas v. Alexander*, 279 U. S. 573, 577, . . .

Judgment reversed.

2) State of Connecticut v. Commonwealth of Massachusetts. Feb. 24, 1931 *) (282 U. S. 660, 51 S. Ct. 286).

Zwischenstaatliche Flüsse — Streitigkeiten zwischen Staaten des Bundes — Anzuwendendes Recht.

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For the decision of suits between States, federal, state and international law are considered and applied by this Court as the exigencies of the particular case may require. The determination of the relative

*) Siehe auch: *State of New Jersey v. State of New York*, May 4, 1931 (283 U. S. 336, 51 S. Ct. 478).

rights of contending States in respect of the use of streams flowing through them does not depend upon the same considerations and is not governed by the same rules of law that are applied in such States for the solution of similar questions of private rights. *Kansas v. Colorado*, 185 U. S. 125, 146, 22 S. Ct. 552, 46 L. Ed. 838. And, while the municipal law relating to like questions between individuals is to be taken into account, it is not to be deemed to have controlling weight. As was shown in *Kansas v. Colorado*, 206 U. S. 46, 100, 27 S. Ct. 655, 51 L. Ed. 956, such disputes are to be settled on the basis of equality of right. But this is not to say that there must be an equal division of the waters of an interstate stream among the States through which it flows. It means that the principles of right and equity shall be applied having regard to the "equal level or plane on which all the States stand, in point of power and right, under our constitutional system" and that, upon a consideration of the pertinent laws of the contending States and all other relevant facts, this Court will determine what is an equitable apportionment of the use of such waters. *Wyoming v. Colorado*, 259 U. S. 419, 465, 470, 42 S. Ct. 552, 66 L. Ed. 999.

The development of what Mr. Justice Brewer, speaking for the Court in *Kansas v. Colorado*, 206 U. S. 46, 98, 27 S. Ct. 655, 51 L. Ed. 956, refers to as interstate common law is indicated and its application for the ascertainment of the relative rights of States in respect of interstate waters is illustrated by *Missouri v. Illinois*, 200 U. S. 496, 26 S. Ct. 268, 50 L. Ed. 572; *Kansas v. Colorado*, supra; *Wyoming v. Colorado*, supra; and *Wisconsin v. Illinois*, 278 U. S. 367, 49 S. Ct. 163, 73 L. Ed. 426; *Id.* 281 U. S. 179, 50 S. Ct. 266, 74 L. Ed. 799 . . .

3) *Near v. State of Minnesota ex rel. Olson, Co. Atty.* June 1, 1931 **) (283 U. S. 697, 51 S. Ct. 625).

Preßrecht. — Due process of law.

1. *Die Presse- und Redefreiheit ist nach dem jetzigen Stande der Rechtsprechung unzweifelhaft durch die Due Process of Law Klausel des 14. Amendment der Bundesverfassung vor Eingriffen der Einzelstaaten geschützt.*

2. *Die Presse- und Redefreiheit ist kein absolutes Recht. Der Staat kann ihren Mißbrauch bestrafen.*

3. *Die Pressefreiheit, wie sie sich historisch entwickelt hat, besteht hauptsächlich in Freiheit von einer Vorzensur. Eine Vorzensur ist nur*

**) Von den vielen Besprechungen dieser bedeutsamen Entscheidung sei hervorgehoben A. H. Feller, *Die Freiheit der Presse und das Recht der freien Meinungsäußerung in den Vereinigten Staaten*, vgl. diese Zeitschrift, Bd. 3, T. 1, S. 154 ff. Ferner George Foster jr., *The 1931 Personal Liberties Cases*, 9 *New York University Law Quarterly Review* 64; *Previous Restraints Upon Freedom of Speech*, 31 *Columbia Law Review* 1148; *The Supreme Court's Attitude Toward Liberty of Contract and Freedom of Speech*, 41 *Yale Law Journal* 262.