

### RECENT DEATHS AND MEMORIALS

DR. DAVID MURRAY COWIE, professor of pediatrics and infectious diseases and chairman of the department of pediatrics of the Medical School of the University of Michigan, died on January 27 in his sixty-ninth year.

EMBERT H. SPRAGUE, professor of sanitary engineering and head of the department of engineering at the University of Maine, died on March 9 in his sixty-sixth year.

DR. LEON E. JENKS, of Sauquoit, N. Y., who was research chemist for the General Chemical Company in New York from 1927 until his retirement in 1935, died on March 8 at the age of sixty-three years.

DR. S. J. HICKSON, from 1894 until his retirement with the title emeritus in 1926 professor of zoology in the University of Manchester, died on February 6 at the age of eighty years.

FORMER students and friends of the late Dr. Henry Van Peters Wilson, who was Kenan professor of zoology at the University of North Carolina, are endeavoring to raise funds to establish a suitable memorial in the form of a summer scholarship for studies of marine biology at the seashore or a small library endowment. The chairman of the committee receiving funds is K. P. Battle, of Rocky Mount, North Carolina, and the treasurer, R. E. Coker, Chapel Hill, North Carolina.

## SCIENTIFIC EVENTS

### THE BRITISH ADVISORY COUNCIL ON SCIENTIFIC RESEARCH AND TECHNICAL DEVELOPMENT

At the first meeting in London of the British Advisory Council on Scientific Research and Technical Development, Colonel J. J. Llewellyn, who opened the meeting in the absence through illness of Mr. Burgin, the Minister of Supply, as reported in the *London Times*, said that the ministry already had an extensive Directorate of Scientific Research which served all three defence departments. The ministry had also been able to supplement the resources of the directorate with extensive assistance from research laboratories in universities and in industry.

The Advisory Council, of which Lord Cadman is chairman, is the senior advisory body of the ministry upon all matters of pure and applied science. He stated that "the ministry looked upon the council not only to help to make weapons superior to those of the enemy and to indicate efficient antidotes to any 'secret' war weapons we may have to meet but also to assist if possible in the development of new processes of rapid production. It was hoped, too, that the council might be able to assist in the appropriate utilization and conservation of raw materials and the discovery of substitutes for materials wherever that might be desirable."

According to the *Times*, Lord Cadman said that "the council had an extensive research program before it which included more than 1,000 items for investigation. The range of subjects was striking, covering on the one hand the most exacting chemical work in the explosives section to the most refined physical research in the communications section. Because of the variety of subjects to be dealt with it was essential to have a council membership of not less than twenty-five and to have many committees of the council on which outside scientists also would serve.

"With the impetus which it was hoped the council would give to military research they would, no doubt, have some proposals of a major character. It was expected that the committees would recommend changes in existing researches, both in nature and the financial provision needed for them.

"The Ministry of Supply, Directorate of Scientific Research, had a personnel of about 900, but even so there was plenty of ability outside the permanent staff capable of helping and willing to do so. The directorate was so constituted that advantage could be taken at any time of outside facilities and outside personnel could be engaged for investigatory work. Such services would be paid for."

### THE PRACTICE OF MEDICINE AND THE SHERMAN ANTI-TRUST LAW<sup>1</sup>

THE United States Court of Appeals on March 4 reversed a district court decision by Justice Proctor that medicine was a "learned profession" and therefore not within the scope of the Sherman anti-trust act. As part of its decision, the Court of Appeals said, "The fact that defendants are physicians and medical organizations is of no significance." At the heart of the litigation is the question whether the law against restraint of trade applies to the medical profession. The court said, "We think enough has been said to demonstrate that the common law governing restraint of trade has not been confined, as defendants insist, to the field of commercial activity, ordinarily defined as 'trade,' but embraces as well the field of the medical profession." Again the court said, "It can not be admitted that the medical profession may through its great medical societies, either by rule or disciplinary proceedings, legally effectuate restraints as far reaching as those now charged." In addition the Court of Appeals held that, while the charge against the American Medical Association may be wholly unwarranted,

<sup>1</sup> From the *Journal* of the American Medical Association.

"For present purposes we must take the charge as though its verity were established; and, in that light, it seems to us clear that the offense is within the condemnation of the statute." The court also said, "It certainly can not be doubted that Congress intended to exert its full power in the public interest, to set free from unreasonable obstruction the exercise of those rights and privileges which are a part of our constitutional inheritance, and these include immunity from compulsory work at the will of another, the right to choose an occupation, the right to engage in any lawful calling for which one has the requisite capacity, skill, material or capital, and thereafter free enjoyment of the fruits of one's labors." And, it stated, "Congress undoubtedly legislated on the common-law principle that every person has individually, and that the public has collectively, a right to require the course of all legitimate occupations in the District of Columbia to be free from unreasonable obstruction, and likewise in recognition of the fact that all trades, businesses and professions which prevent idleness and exercise men in labor and employment for the benefit of themselves and their families and for the increase of their substance are desirable in the public good and any undue restraint upon them is wrong and is immediate and unreasonable and, therefore, within the purview of the Sherman act." Further, the court said, "We are mindful of a generally known fact that under these rules and standards [of the medical profession] there has developed an *esprit de corps* largely as a result of which the members of the profession contribute a considerable portion of their time to the relief of the unfortunate and the destitute. All of which may well be acknowledged to their credit. Notwithstanding these important considerations, it can not be admitted that the medical profession may, through its great medical societies, either by rule or disciplinary proceedings, legally effectuate restraints as far reaching as those now charged." Although the attorneys for the American Medical Association have not yet reached a decision as to the next step to be followed, it seems reasonable to believe that they will now go to the United States Supreme Court with a request for a definite decision as to whether or not the practice of medicine comes within the purview of the Sherman anti-trust law.

#### THE QUARTERLY JOURNAL OF STUDIES ON ALCOHOL

THE editors wish to announce the founding of a new scientific periodical to be called *The Quarterly Journal of Studies on Alcohol*. This journal has been accepted as the official organ for the Research Council on Problems of Alcohol, an associated society of the American Association for the Advancement of Science.

The Editorial Board as now constituted includes Dr.

Emil Bogen, Dr. Karl M. Bowman, Dr. Anton J. Carlson, Dr. Thorne M. Carpenter, Dr. Harry R. DeSilva, Dr. Alexander O. Gettler, Dr. Leon A. Greenberg, Dr. Howard W. Haggard, *Editor*, Dr. Rolla N. Harger, Dr. Yandell Henderson, Dr. Norman Jolliffe, Dr. William deB. MacNider, Dr. Merrill Moore, Dr. Abraham Myerson, Dr. Winfred Overholser, Dr. Nathan Rakieten, *Managing Editor*, Mr. Eugene V. Rostow, *Medicolegal Editor*, Dr. Thorsten Sellin, Dr. Edward G. Strecker and Dr. Ray Lyman Wilbur.

The journal will include five departments: (1) original scientific papers reporting experimental, clinical and sociological investigations and reviews; (2) editorials; (3) abstracts of the current scientific literature on alcohol; (4) medicolegal cases concerning alcohol; and (5) reports of the activities of the Research Council on Problems of Alcohol. In the main the journal will be devoted to original papers.

The first issue will appear in May. Investigators are invited to submit manuscripts to the editor, 4 Hillhouse Avenue, New Haven, Conn.

#### THE CHEMIST ADVISORY COUNCIL

DEAN WILLIAM T. READ, of the School of Chemistry of Rutgers University, has been elected president of the Chemist Advisory Council, guidance service and clearing-house of information for chemists and chemical engineers with headquarters at 300 Madison Avenue, New York City. Dean Read succeeds Dr. Walter S. Landis, vice-president of the American Cyanamid Company, New York City.

Dr. Gustavus J. Esselen, president of Gustavus J. Esselen, Inc., Boston, has been named vice-president. M. R. Bhagwat, of New York, continues to be secretary and Dr. Robert T. Baldwin, of New York, treasurer. Members of the board were reelected as follows: Frederick M. Becket, of the Union Carbide and Carbon Research Laboratories, New York City; Professor Marston T. Bogert, of Columbia University; Dr. Edward R. Weidlein, director of the Mellon Institute of Industrial Research, Pittsburgh; Maximilian Toch, president of Toch Brothers, New York City, and Frank G. Breyer, of Singmaster and Breyer, New York.

Over 1,300 chemists and chemical engineers residing in 45 states, including graduates of 192 educational institutions, have used the services of the council during the past two years. Its activities are supported by voluntary contributions, 75 per cent. of which have come from individuals employed or connected with the chemical profession.

Founded in 1938, the council is a permanent national organization to render immediate service to unemployed chemists and chemical engineers and to provide a broad and fundamental program of guidance