

## Webb-Kenyon Law Held Constitutional

A Washington dispatch, dated Jan. 11, says: In the most sweeping of all decisions upholding prohibition laws the supreme court last Monday upheld as constitutional and valid the Webb-Kenyon law prohibiting shipments of liquor from wet to dry states. It also sustained West Virginia's recent amendment to her law prohibiting importation in interstate commerce of liquor for personal use.

After having been vetoed by President Taft, who held it unconstitutional, and having been repassed by congress over his veto, the law was sustained by the supreme court by a vote of 7 to 2. Leaders of the prohibition movement declare it is to their fight second only in importance to the proposed constitutional amendment.

### Affects Twenty-seven States

The Webb-Kenyon law, as upheld by the supreme court, will affect twenty-seven states. Of these, nineteen already have prohibition established, four have voted for prohibition and four have elected prohibition legislatures. These states now have power to pass laws forbidding the shipment of liquors into their territory.

### Admit Big Dry Victory

Lawyers for liquor interests who heard the decision today admitted it upheld and applied the law "in its fullest sense."

"The all-reaching power of government over liquor is settled," said Chief Justice White in announcing the decision. "There was no intention of congress to forbid individual use of liquor. The purpose of this act was to cut out by the roots the practice of permitting violation of state liquor laws. We can have no doubt that congress has complete authority to prevent paralyzing of state authority. Congress exerted a power to co-ordinate the national with the state authority."

### Two Justices Dissent

Justice Holmes and Vandevanter dissented to the opinion. Justice McReynolds, while agreeing with the majority decision, did not concur in the opinion.

A digest of the majority opinion prepared by the court, sets out its holding as follows.

"1. That the West Virginia law beside prohibiting the manufacture and sale of all intoxicants except as to that which is permitted for medical, sacramental and manufacturing purposes, also forbids all transportation of liquor and all receipt and possession of liquor transported in the state whether originating in or outside of the state, and, although it does not prohibit personal use, puts serious restrictions upon the power to obtain for such use.

"The court holds that, in view of the well-established police authority of the state over intoxicants, there is no reason to think that this law was in any wise repugnant to the due process clause

of the fourteenth amendment of the constitution of the United States. It, however, decides that unless the state authority has an exceptional application to shipments of interstate commerce as the result of the act of congress known as the Webb-Kenyon law the provisions of the state law restricting shipment of intoxicants into the state from other states would be unconstitutional because interfering with the power of congress to regulate commerce among the states, and consequently would be a direct burden upon such commerce.

### Shuts Off Carriers

"2. Considering the Webb-Kenyon act, the court holds that there is no foundation for the contention that the act only applies to shipments from one state to another for a use prohibited by the state to which the liquor is shipped. On the contrary, it is decided that the Webb-Kenyon act, to use the words of the act, applies to shipments of liquor 'intended to be received, possessed, sold or in any manner used' in violation of the laws of the state. As the conclusion causes every prohibition of the West Virginia law to be embraced and come under the right conferred by congress by the Webb-Kenyon act, it is decided that the West Virginia law was not in conflict with the commerce clause of the constitution and the power of congress to regulate commerce if congress had power to enact the Webb-Kenyon law.

### Congress Has the Power

"3. Disposing of that question, it is decided that congress had the power under the constitution to adopt the Webb-Kenyon law, whether considered from the point of view of original reasoning or in the light of the previous legislation by congress and the decisions of the court holding that legislation valid. It is therefore decided that by virtue of the Webb-Kenyon law there is no power to ship intoxicants from one state into another in violation of the prohibitions of the law of the state into which the liquor is shipped.

"In other words, it is decided that since the amendment of the Webb-Kenyon law the channels of interstate commerce may not be used to convey liquor into a state against the prohibitions of its laws or to use interstate commerce as the basis for a right to receive, possess, sell or in any manner use liquor contrary to the state prohibition."

### BILL TO ABOLISH SALOONS IN NATIONAL CAPITAL PASSES SENATE

An Associated press dispatch, dated Washington, Jan. 9, says: The Sheppard bill to abolish saloons in the national capital after Nov. 1, 1917, was passed late today by the senate and now goes to the house, where its friends claim it is assured of passage. The vote in the senate was 55 to 32.

While the measure prohibits the sale of liquor in the District of Columbia, it permits importation for personal use. An amendment which would have submitted the proposal to a referendum of citizens of the District was defeated just before passage by a tie vote, 42 to 43.

The vote on passage follows:

### Ayes

Democrats—Ashurst, Beckman, Bryan, Chamberlain, Chilton, Johnston of South Dakota; Kern, Kirby, Lea, Martin, Myers and Overman, Pittman, Ransdell, Robinson, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia; Smith of Maryland; Smith of South Carolina;

Swanson, Thomas, Thompson, Vardaman, Walsh, Williams. Total, 28.

Republicans—Borah, Brady, Clapp, Clark, Cummins, Curtis, Dillingham, Fall, Fernald, Gallinger, Gronna, Jones, Kenyon, McCumber, Nelson, Norris, Oliver, Page, Poindexter, Sherman, Smith of Michigan; Smoot, Sterling, Sutherland, Townsend, Watson, Works. Total, 27. Total ayes, 55.

### Noes

Democrats—Bankhead, Broussard, Culberson, Hardwick, Hitchcock, Hughes, Husting, James, Johnson of Maine, Lee, Lewis, Martine, Newlands, O'Gorman, Phelan, Pomerene, Reed, Saulsbury, Smith of Arizona; Stone, Tillman, Underwood. Total, 22.

Republicans—Brandegge, Colt, Dupont, Harding, Lippitt, Lodge, McLean, Penrose, Wadsworth, Weeks. Total, 10. Total noes, 32.

### Neither Vote on Party Lines

Neither the vote on the referendum amendment nor that on the passage of the bill was on party lines. There were 26 democrats and 17 republicans voting for the referendum, and 22 democrats and 21 republicans voting against it. Most of the republicans of the so-called progressive group voted against it.

For the bill itself there were 28 democratic and 27 republican votes, with 22 democrats and 10 republicans against it. All the progressives voted for passage.

### Provisions of the Bill

The prohibiting language of the bill says that after Nov. 1:

No person or persons, or any house, company, association, club or corporation, his, its or their agents, officers, clerks or servants, directly or indirectly, shall, in the District of Columbia, manufacture for sale or gift, import for sale, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental or other non-beverage purposes."

Another section says the measure shall not be construed to prevent "the manufacture, importation, exportation or sale" of denatured, methyl alcohol or of ethyl alcohol for scientific, medicinal and like purposes, but their manufacture and sale are limited to licensed druggists or manufacturers. The so-called lockers system is specifically forbidden.

### Common Carriers as "Detectives"

All common carriers bringing intoxicants into the District of Columbia are to keep a record of the consignee, who must make affidavit that they are for personal use. The law declares property rights shall exist in alcoholic liquors illegally manufactured or brought into the District, makes every place that violates the law a "common nuisance," and gives the right to any citizen to sue and to enjoin such nuisance.

Heavy penalties are provided for violations, including a provision aimed at physicians who prescribe liquor for patients without cause. A right to sue for damages from the person who sells liquor to a person who is injured "in person or property" in consequence of intoxication is given to blood relatives.

Efforts to absolutely forbid manufacture in the District and export from it were beaten without a record vote. An amendment by Senator Phelan which would permit sale of

"wine, ale, beer and porter" also was defeated.

### For Making Territories "Dry"

While the Sheppard bill was under consideration in the senate, legislation to prohibit liquor traffic in Hawaii was urged before the house territories committee by representatives of the Anti-saloon League of America and the Women's Christian Temperance Union. The committee tomorrow will hear arguments in favor of a drastic liquor prohibition law in Alaska.

### HOUSE COMMITTEE FAVORS PROHIBITION RESOLUTION

A Washington D. C., dispatch, says: The resolution to submit national prohibition to the states is again out of committee and before congress. The judiciary committee of the house reported it favorably December 13, the vote being twelve to seven. Here is the way the committee members lined up:

For—Chairman Webb of North Carolina, Thomas of Kentucky, Taggart of Kansas, Wilson of Illinois, Whaley of South Carolina, Carroway of Kansas, Neely of West Virginia, Walker of Georgia, Volsted of Minnesota, Nelson of Wisconsin, Morgan of Oklahoma, Chandler of New York.

Against—Igoe of Missouri, Gard of Ohio, Steele of Pennsylvania, Danforth of New York, Graham of Pennsylvania, Dyer of Missouri and Walsh of Massachusetts.

The resolution as recommended by the judiciary committee is as follows:

"The sale, manufacture for sale, transporting for sale, importation, for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof and exportation thereof are forever prohibited.

"The congress or the states shall have power independently or concurrently to enforce this article by all needful legislation."

### SENATE REPORT FAVORS PROHIBITION

A Washington dispatch, dated Dec. 21, says: By a vote of thirteen to three, with two members not voting, the senate judiciary committee today reported favorably a joint resolution providing for a national prohibition amendment. The three senators who voted against the report were Reed, of Missouri; Brandegge, of Connecticut, and Culberson, of Texas.

As reported by the senate committee, the resolution would read:

"The sale, manufacture or transportation of intoxicating liquors within, the importation thereof into and exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes, are hereby prohibited.

"The congress shall have power to enforce this article by all appropriate legislation. This article shall not be construed to abridge the power of the several states to enforce state prohibitory laws."

### MAIL PROHIBITION BILL PASSES UNITED STATES SENATE

A Washington dispatch, dated Jan. 11, says: Transmission in the mails of liquor advertisements, in circulars, newspapers or otherwise, into states which prohibit such advertising or solicitation, is barred by a bill by Senator Bankhead of Alabama, passed today by the senate. It now goes to the house.

Editor—I like this poem; it is capital. Poet—Yes, I hope so; but—how much?—Boston Transcript.

## NEW RUPTURE CURE

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Brook's Appliance. New discovery. Wonderful. No obnoxious springs or pads. Automatic Air Cushions. Bands and draws the broken parts together as you would a broken limb. No salves. No plasters. No lies. Durable, cheap. Sent on trial to prove it. Full information and booklet FREE. C. E. Brooks, 193A State St., Marshall, Mich.

