

## IMPORTANT DECISION.

### The Seizure of Liquors in Original Packages Unconstitutional.

The United States Supreme Court Decides a Test Case From Iowa—The Police Powers of a State Defined—Dissenting Opinion.

WASHINGTON, April 28.—The United States Supreme Court, through Chief Justice Fuller, has rendered an opinion adverse to the constitutionality of State laws providing for the seizure of liquor brought into the State in original packages. Such laws, the court holds, are an interference with Inter-State commerce. After the liquor becomes the property of the importer the State may, under its police powers, regulate or prohibit the transportation of the article from another State and its delivery to the importer.

The case in which the decision was made was that of *Gus Ledy & Co., plaintiffs in error, vs. A. J. Hardin*. It was brought here on appeal from the Supreme Court of Iowa and this court reverses the decision of the State court. Justices Gray, Harlan and Brewer dissented. The case is one of great importance to Prohibitionists and liquor dealers.

Ledy, a beer manufacturer of Peoria, Ill., shipped beer to Keokuk, Iowa, which was seized in the original packages by Hardin, a State official, as having been sent there in violation of the Iowa law. The Supreme Court of Iowa held that the law under which this official acted was valid.

The Chief Justice in delivering the opinion of the court cited a number of cases bearing upon Inter-State commerce, among others "the license cases," where laws passed by Massachusetts, New Hampshire and Rhode Island in reference to the sale of spirituous liquors came under review in the court and were sustained, although the members of the court who participated in the decisions did not concur in any common ground upon which to rest them. In which Chief Justice Taney is quoted as holding that spirituous distilled liquors are universally admitted to be subjects of ownership and property and therefore subjects of exchange, barter and traffic, like any other commodity in which a right of property exists; that Congress, under its general power to regulate commerce with foreign nations, may prescribe what merchandise shall be admitted and what excluded; but, inasmuch as the laws of Congress authorized the importation of ardent spirits, no State has a right to prohibit their introduction.

After referring to these and other decisions bearing on license laws, the court, in its opinion, says:

The decisions rest upon the undoubted right of the States of the Union to control their purely internal affairs, in doing which they exercise powers not surrendered to the National Government.

The power vested in Congress to regulate commerce among the several States is the power to prescribe the rule by which that commerce is to be governed and is a power complete in itself, acknowledging no limitations other than those prescribed in the Constitution. It is co-extensive with the subject on which it acts and can not be subject to the external boundary of the State, but must enter its interior and must be capable of authorizing the disposition of those articles which it introduces, that they may become mingled with the common mass of property within the territory entered.

That ardent spirits are subjects of Inter-State commerce can not be denied. Whenever a law of a State amounts essentially to a regulation of commerce, as it does when it inhibits directly the receipt of an imported commodity or its disposition before it has ceased to become an article of trade between one State and another, it comes in conflict with a power which is in this particular has been exclusively in the General Government and is, therefore, void. Undoubtedly it is for the legislative branch of the State government to determine whether the manufacture of particular articles of traffic will injuriously affect the public and it is not for Congress to determine what measures a State may properly adopt as appropriate or needed for the protection of the public morals, life or safety; but not withstanding it is not vested with supervisory power over matters of local administration. The responsibility is upon Congress so far as the regulation of Int-States commerce is concerned, to remove the restrictions upon the States in dealing with imported articles which have not been mingled with the common mass of property there.

Whenever our individual views may be so different as to render it particularly desirable, we can not hold that any articles which Congress recognizes as subjects of Inter-State commerce are not such or that whatever are thus recognized can be controlled by State laws amounting to regulations, while they retain their character, though at the same time if directly dangerous to themselves the State may take appropriate measures to guard against injury before it obtains complete jurisdiction over them. To encroach upon a power so extensive directly or indirectly, articles so situated without Congressional permission is to encroach to a majority of the people of a State, represented in the State Legislature, the power to regulate commercial intercourse between the States by determining what shall be its subjects when that power was distinctly granted to be exercised by the people of the United States represented in Congress, and its possession by the latter was considered essential to that more perfect union which the Constitution was adopted to create. Undoubtedly there is difficulty in drawing the line between the municipal powers of one Government and the commercial powers of the other, but when that line is determined accommodation to it without serious inconvenience may readily be found in a frank and candid co-operation for the general good. The decision of the Supreme Court of Iowa is reversed.

Justices Gray, Harlan and Brewer, in summing up the reasons which satisfy them that the judgment of the Supreme Court of Iowa should be affirmed, say that the power of regulating or prohibiting the manufacture and sale of intoxicating liquors belongs as a branch of the police power to the Legislatures of the several States and can be judicially and effectively exercised by them alone according to their views of public policy and local needs, and can not practically, if it can constitutionally, be wielded by Congress as part of a national and uniform system.

The Iowa Prohibition laws were enacted by the Legislature in the exercise of its undoubted power to protect its inhabitants against the evils, physical, moral and social, attending the free use of intoxicating liquors. They are not aimed at Inter-State commerce and have no relation to the movement of goods from one State to another, but operate only on intoxicating liquors within the

limits of the State. They include all such liquors without discrimination and do not even mention where they are made or whence they come.

They affect commerce much more remotely, the dissenting Justices say, than laws of a State, the validity of which are unquestioned, authorizing the construction of bridges and dams across navigable waters within its limits, which wholly obstruct the course of commerce and navigation, or than quarantine laws which operate directly upon all ships and merchandise coming into the ports of the State. If, they say, the statutes of a State restricting or prohibiting the sale of intoxicating liquors within its territory are to be held inoperative or void as applied to liquors sent or brought from another State and sold by the importers in original packages, the consequence must be that an inhabitant of any State may under the pretext of Inter-State commerce and without license or supervision of any public authority carry on or send liquor into and sell in any or all of the other States, despite any legislation of those States on the subject, and although his own State should be the only one which had not enacted similar laws. Nothing short of affirmative and explicit legislation on the part of Congress will convince them that it contemplated or intended such a result.

The dissenting Justices quote from the decision in the license cases in which the court sustained these views and contend that the silence and inaction of Congress upon the subject during the long period since the license cases appear to require the inference that Congress intended that the law should remain as thereby declared by the court rather than to warrant the presumption that Congress intended that commerce among the States should be free from the indirect effect of such an exercise of the police power of the public safety, as was adjudged by that decision to be within the constitutional authority of the State.

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## NARROW ESCAPES.

### Dr. Talmage Discourses on Salvation as By Miracles.

The Narrow Escapes of Many People—Who Worship God on Sunday and Mammaan Every Other Day—Finding True Rest.

In a late sermon at Brooklyn Dr. Talmage preached on "Narrow Escapes," taking as his text Job, xix, 20, "I am escaped with the skin of my teeth." Following is his sermon:

Job had it hard. What with boils and bereavements and bankruptcy, and a fool of a wife, he wished he was dead, and I do not blame him. His flesh was gone, and his bones were dry. His teeth wasted away until nothing but the enamel seemed left. He cries out: "I am escaped with the skin of my teeth." There has been some difference of opinion about this passage. St. Jerome and Schultens, and Doctors Good and Poole and Barnes, have all tried their forceps on Job's teeth. You deny my interpretation, and say: "What did Job know about the enamel of the teeth?" He knew every thing about it. Dental surgery is almost as old as the earth. The mummies of Egypt, thousands of years old, are found to-day with gold filling in their teeth. Ovid and Horace and Solomon and Moses wrote about those important factors of the body. To other provoking complaints, Job, I think, has added an exasperating toothache, and, putting his hand against the inflamed face, he says: "I am escaped with the skin of my teeth."

A very narrow escape, you say, for Job's body and soul; but there are thousands of men who make just as narrow escapes for their soul. There was a time when the partition between them and ruin was no thicker than a tooth's enamel; but as Job finally escaped, so have they. Thank God! thank God!

Paul expresses the same idea by a different figure when he says that some people are "saved as by fire." A vessel at sea is in flames. You go to the stern of the vessel. The boats have shoved off. The flames advance; you can endure the heat no longer on your face. You slide down on the side of the vessel, and hold on with your fingers, until the forked tongue of the fire begins to lick the back of your hand, and you feel that you must fall, when one of the life-boats comes back, and the passengers say they think they have room for one more. The boat swings under you—you drop into it—you are saved.

So some men are pursued by temptation until they are partially consumed, but, after all, get off—"saved as by fire." But I like the figure of Job a little better than that of Paul, because the pulpit has not worn its out; and I want to show you, if God will help, that some men make narrow escapes for their souls and are saved as "with the skin of their teeth."

It is as easy for some people to look to the cross as for you to look to this pulpit. Mild, gentle, tractable, loving, you expect them to become Christians. You go over to the store and say: "Grandson joined the church yesterday." Your business comrades say: "That it is just what might have been expected; he always was of that turn of mind." In youth this person whom I describe was always good. He never broke things. He never laughed when it was improper to laugh. At seven he could sit an hour in church, perfectly quiet, looking neither to the right nor to the left, but straight into the eyes of the minister, as though he understood the whole discussion about the eternal decrees. He never upset things nor lost them. He floated into the kingdom of God so gradually that it is uncertain just when the matter was decided.

Here is another one, who started in life with an uncontrollable spirit. He kept the nursery in an uproar. His mother found him walking on the edge of the house roof to see if he could balance himself. There was no horse that he dare not ride—no tree he could not climb. His boyhood was a long series of predicaments; his manhood was reckless; his mid-life very wayward. But now he is converted, and you go over to the store and say: "Arkwright joined the church yesterday." Your friends say: "It is not possible! You must be joking." You say: "No, I tell you the truth. He joined the church." Then they reply: "There is hope for any of us if old Arkwright has become a Christian." In other words, we will admit that it is more difficult for some men to accept the Gospel than for others.

I may be preaching to some who have cut loose from the churches and Bibles and Sundays and who have come here with no intent of becoming Christians themselves, but just to see what is going on, and yet you may find yourselves escaping before you leave this house, "as with the skin of your teeth."

Some of you, in coming to God, will have to run against skeptical notions. It is useless for people to say sharp and cutting things to those who reject the Christian religion. I can not say such things. By what process of temptation or trial or betrayal you have come to your present state, I know not. There are two gates to your nature—the gate of the head and the gate of the heart. The gate of your head is locked with bolts and bars that an archangel could not break, but the gate of your heart swings easily on its hinges. If I assaulted your body with weapons you would meet me with weapons and it would be sword stroke for sword stroke, and wound for wound, and blood for blood; but if I come and knock at the door of your house you open it and give me the best seat in your parlor. If I should come to you now with an argument, you would answer me with an argument; if with sarcasm, you would answer me with sarcasm, blow for blow, stroke for stroke; but when I come and knock at the door of your heart you open it and say, "Come in, my brother, and tell me all you know about Christ and Heaven."

Listen to two or three questions: "Are you as happy as you used to be when you believed in the truth of the Christian religion? Would you like to have your children travel in the road in

which you are now traveling? You had a relative who professed to be a Christian, and was thoroughly consistent, living and dying in the faith of the Gospel. Would you not like to live the same quiet life and die the same peaceful death? I have a letter sent me by one who has rejected the Christian religion. It says: "I am old enough to know that the joys and pleasures of life are evanescent, and to realize that it must be comfortable in old age to believe in something relative to the future, and to have a faith in some system that proposes to save. I am free to confess that I would be happier if I could exercise the simple and beautiful faith that is possessed by many whom I know. I am not willingly out of the church or out of the faith. My state of uncertainty is one of unrest. Sometimes I doubt my immortality, and look upon the death bed as the closing scene, after which there is nothing. What shall I do that I have not done?" Ah! skepticism is a dark and doleful land. Let me say that this Bible is either true or false. If it be false, we are as well off as you; if it be true, then which of us is safer?

Let me also ask whether your trouble has not been that you confounded Christianity with the inconsistent character of some who profess it? You are a lawyer. In your profession there are mean and dishonest men. Is that anything against the law? You are a doctor. There are unskilled and contemptible men in your profession. Is that anything against medicine? You are a merchant. There are thieves and defrauders in your business. Is that anything against merchandise? Behold, then, the unfairness of charging upon Christianity the wickedness of its disciples. We admit some of the charges against those who profess religion. Some of the most gigantic swindles of the day have been carried on by members of the church.

There are men standing in the front rank in the churches who would not be trusted for five dollars without good collateral security. They leave their business dishonesties in the vestibule of the church as they go in and at the communion. Having concluded the sacrament, they get up, wipe the wine from their lips, go out and take up their sins where they left off. To serve the devil is their regular work; to serve God a sort of play spell. With a Sunday sponge they expect to wipe off from their business slate all the past week's inconsistencies. You have no more right to take such a man's life as a specimen of religion than you have to take the twisted iron and split timbers that lie on the beach at Coney Island as a specimen of an American ship. It is time that we draw a line between religion and the frailties of those who profess it.

Do you not feel that the Bible, take it all in all, is about the best book that the world has ever seen? Do you know any book that has as much in it? Do you think, upon the whole, that its influence has been beneficial? I come to you with both hands extended toward you. In one hand I have the Bible, and in the other I have nothing. This Bible in one hand I will surrender for ever just as soon as in my other hand you can put a book that is better.

Again: There may be some of you who, in the attempt after a Christian life, will have to run against powerful passions and appetites. Perhaps it is a disposition to anger that you have to contend against; and perhaps, while in a very serious mood, you hear of something that makes you feel that you must swear or die. I know a Christian man who was once so exasperated that he said to a mean customer: "I can not swear to myself, for I am a member of the church; but if you will go down stairs my partner in business will swear at you."

There is a large class of persons in mid life who have still in them appetites that were aroused in early manhood, at a time when they prided themselves on being a "little fast," "high livers," "free and easy," "hall fellows well met." They are now paying, in compound interest, for troubles they collected twenty years ago. Some of you are trying to escape, and you will—yet very narrowly, "as with the skin of your teeth." God and your own soul only know what the struggle is. Omnipotent grace has pulled out many a soul that was deeper in the mire than you are. They line the beach of Heaven—the multitude whom God has rescued from the thrall of suicidal habits. If you this day turn your back on the wrong and start anew God will help you.

If, with all the influences favorable for a right life, men make so many mistakes, how much harder it is when, for instance, some appetite thrusts its iron grapple into the roots of the tongue and pulls a man down with hands of destruction! If under such circumstances, he break away there will be no sport in the undertaking, no holiday enjoyment, but a struggle in which the wrestlers move from side to side, and bend and twist and watch for an opportunity to get in a heavier stroke, until with one final effort, in which the muscles are distended and the veins stand out, and the blood starts, the swarthy habit falls under the knee of the victim—escaped at last as "with the skin of his teeth."

The ship Emma, bound from Gottenburg to Harwich, was sailing on, when the man on the lookout saw something that he pronounced a vessel bottom up. There was something on it that looked like a sea gull, but was afterward found to be a waving handkerchief. In the small boat the crew pushed out to the wreck and found that it was a capized vessel and that three men had been digging their way out through the bottom of the ship. When the vessel capized they had no means of escape. The Captain took his penknife and dug away through the planks until his knife broke. Then an old nail was found with which they attempted to scrape their way out of the darkness, each one working until his hand was well nigh paralyzed and he sank back faint and sick. After long and tedious work the light broke through the bottom of the ship. A handkerchief was hoisted. Help came. They were taken on board the vessel and saved. Did ever men come so near a watery grave without dropping, into it? How

## FIRESIDE FRAGMENTS.

—If a little pulverized borax be added to the water in which woolen blankets are washed, the dirt will be got rid of more easily than by any other means. —Wasty pudding requires no less than four hours cooking at 375 degrees to be digestible. If not so cooked it is not masticated by the stomach, and becomes an irritant.

—Every one who prizes good health and intends to maintain it should indulge in a dry rub upon going to bed. A flesh brush is good for the purpose, but a good rough towel is better. The object is to keep the pores open and in healthy activity.

—To can milk bring it to, or near, the boiling point—best done by placing the dish of milk in a vessel of water, when all danger of burning or boiling over will be avoided. Boil it down richer if you wish, and place in cans while hot, exactly as you do with fruits.—N. Y. Observer.

—It is impossible to wash a bed quilt which is filled with cotton batting without its becoming more or less hard and disagreeable, and this should only be attempted in the case of light ones. Heavy ones should always be tied, so that the cotton can be easily removed when the covers are soiled.—Rural New Yorker.

—Mutton croquettes: Carefully remove all skin and bones; chop fine and season with salt and pepper. If no gravy were left, moisten with butter; make into round or oval balls with the hands; roll each in egg and cracker crumbs, and brown in very hot lard. Cold may be substituted for mutton in any of these receipts with equally good results.—Country Gentleman.

—The first consideration in the management of the laundry is to have good utensils in proper order for work. The tubs should be sufficient in number, of good size, and always kept clean. The wash board should be free from nails that might tear the clothes. The wash bench should be firm and high enough to prevent fatigue in bending too low over the tubs.—The Home.

—Corned Beef Balls: Stew a slice of onion in a cupful of the liquor in which the beef was boiled, then strain the liquor into a saucepan, add a spoonful of butter which has been rolled in browned flour until it has formed into a smooth paste, and stir constantly until it boils. Now stir in two well-beaten eggs, and then two cupfuls of the corned beef which has been chopped until rather fine. Season to taste, and put it away in a cool place where it will become stiff. Then it is to be made into flat cakes, which must be dipped into well-beaten egg and then in pounded crackers or bread crumbs, and fried in boiling lard.—The Housekeeper.

## THEY STAYED AT HOME.

Why Mr. and Mrs. McSwat Were Not at Church One Sunday Morning.

"If you don't hurry up, Lobelia," urged Mr. McSwat, as he fidgeted about in front of the mirror, trying to find a necktie that would harmonize with his mustache, "we'll be late to church. I never could understand," he protested, accidentally stepping on the cat and causing a howl that roused the nap on his spring (of 1888) overcoat; "I never could understand—see, you yowling beast!—why it takes a woman so long to dress. Lobelia, what have you done with my cuff-buttons? Where the Sam Hill are those cuff-buttons?"

"I think, Billiger, they are—"

"Lobelia, don't try to talk with your mouth full of half-pins. Where are the cuff-buttons? If you want me to go to church with you this morning you'll have to turn up those blooming, idiotic cuff-buttons!"

"Have you looked in the soiled cuffs you took off last night, Billiger?" inquired Mrs. McSwat, calmly adjusting her frizzes.

Billiger had not. He hunted up the cuffs and found the buttons.

"If you know they were there why didn't you say so?" he demanded, in an injured tone, as he sat down hard on a chair and proceeded to put in the buttons, telescope the cuffs on his shirt-sleeves, and slide them back and forth till the focus seemed to be about right. "I shall be ready for church, Mrs. McSwat," he continued, majestically, "in about two minutes. How long do you intend to keep me waiting?"

"I have nothing to do, Billiger," answered Mrs. McSwat, giving a few finishing dabs to her front hair, "except to put on my bonnet and gloves."

"Well, where's the bonnet?" vociferated her husband, as he jumped up, jerked on his coat, smoothed his silk hat, secured his cane, gloves and overcoat, and set down again. "Trot out the miraculous bonnet, Lobelia. I haven't seen it yet. Where is it?"

"It's brought it down a few minutes ago," replied Mrs. McSwat, who was looking about with evident anxiety, "and laid it down here, but I don't see it. I thought I put it on a chair."

"On—on a chair, Lobelia?" echoed Mr. McSwat, feebly, a dreadful suspicion crossing his mind.

"Yes. Can it be—why, Billiger, you surely wouldn't—O, O, O!" she screamed. "See what you have done!"

For Billiger had risen to his feet, and was looking in silence at the chair on which he had been sitting.

There, on the seat, were the crushed remains of a once glorious bonnet. It was a flattened, shapeless mass, even more hideous in its ruin than it had been in its original grandeur.

"Lobelia," said Mr. McSwat, in a deep, melodramatic voice, "it is fallen. We may now pause before this splendid prodigy—"

"How could you, O, how could you do it, Billiger?" she wailed, sinking hopelessly on another chair.

"I didn't recognize it as the bonnet, Lobelia," he replied penitently. "I saw it, but supposed it to be a bunch of colored tissue paper, or a crumpled tiff, or a flesh towel, or something of that kind. Can't you fix it up again somehow?" he inquired anxiously. "Can't it be—infused again or mashed together the other way so you can make it do?"

Mrs. McSwat looked wistfully at her crest-fallen husband, stalked out of the room without a word, and nobody from the McSwat household went to Chicago anywhere on that Sabbath.—Chicago Tribune.