

INCOME TAX LAW.

Its Constitutionality Argued Before the U. S. Supreme Court.

EX-SENATOR EDMUNDS SPEAKS FOR THE CONSTITUTION.

Little Tilt Between Governor Matthews and Lieutenant-Governor Nye of Indiana Over a Ruling Made by the Latter Concerning the Passage of Bills on the Last Day of the Session—The Legislator Breaks Up in a Wild Riot, Many Persons Being Seriously Injured.

Special to the RECORD-UNION.

WASHINGTON, March 11.—Assistant Attorney-General Whitney resumed his argument in sustaining the income tax law before the Supreme Court to-day. Attorney-General Olney, ex-Senator Edmunds and many other distinguished counsel in the case occupied seats at the desk reserved for attorneys. The courtroom was crowded. Mr. McMillin, Mr. Springer and several other members of Congress who had taken part in the enactment of the income tax law were among those present.

Mr. Whitney addressed himself to the question of uniformity in taxation, in answer to the charges that the income tax violated the principle of uniformity. He contended that the limit of \$4,000 fixed by the law was not class legislation. If a subsequent Congress had sought to amend the law by including those not previously exempted by the \$4,000 limit, this amendment would not doubt be class legislation, as it would apply to a distinct class. Mr. Whitney reviewed prior decisions in insurance and other cases, showing that the interpretation of this court on class legislation would not apply to the income tax.

Concerning the exemptions allowed to certain corporations, the Assistant Attorney-General said that it was not intended that this was set up as a ground for invalidating the tax. He read from numerous Federal tax laws showing repeated exemptions in the cases of art societies and many other corporations. The court had sustained tax exemption to manufacturing corporations in the District of Columbia, and building and loan associations and savings companies were frequently exempted by law. During the war the lawmakers even exempted the mutual insurance companies from the operations of the general tax law.

Mr. Whitney said that the Supreme Court had already overruled the contention that the taxation of land values and rentals, as made by the income tax, invalid. The State taxes were against the land and not against the individual, but the income tax was against the land, but merely against the total income of the individual. As this income came in part from land, it was merely an incident of the income tax in no sense a land tax. It is not on the gross income from land and other sources, but on the net income.

Whitney took up the claim that the Federal Government cannot tax municipal and local securities, as, for instance, bonds issued by New York City. He said it had been decided in the case of Bonaparte against the City of New York, and that a State could tax bonds of the city or State of New York. If the State could exercise this power, why could not the Federal Government do the same?

Whitney concluded his argument, and was followed by Edmunds, counsel against the tax. He spoke quietly and in a conversational tone, much as he did when a leading figure in the Senate. He stated the contention of the individual, the invasion of his rights and an inspection of his private books and papers. If there was a constitutional provision protecting the individual, it was in the rock upon which the contention against the tax was based. Edmunds read from the Constitution as to the protection of private rights. These provisions, he said, were true, and yet since the beginning of these days, with such legislation before us, to recall these constitutional bulwarks against an invasion of private rights is a question of the gravity he would feel, if the Supreme Court not only to pursue precedents, and follow them in this matter, but to go back and rule upon the entire subject, so vital to sustaining his rights. The worst tyranny of history was that which came in the guise of a relief.

He first spoke of the action of Congress in endeavoring to take away from the courts the right of appeal, and said that was the case in the income tax law. He did not think the time had come when there should be no longer an appeal to the courts from the acts of Congress. It was beyond the function of Congress to pass an Act that would strip the courts of their rights, and this was just as true as to the rights of the citizen as to those of the courts.

Speaking of the income tax law, he referred to the provision that the taxpayer was required to make his return to the deputy collector. He said the deputy collector was not recognized as an officer under the Constitution. "I do not, however," he said, "mean to dwell on that, but merely to refer to it in passing as one of the points of the view which bloom in the garden of the last Congress."

He criticised many other features of the law providing for the collection of taxes, and pointed out that it left no room for resort or appeal to the courts, but to the revenue officers or the adjustment who, he said, were not only the final judges, but the inquisitors as well. "It is true," he said, "that these returns are to be regarded as confidential, but how are we to know they will always be treated so; it is not possible that they may be treated, for instance, like the confidences of the United States Senate?"

Mr. Edmunds then reviewed the case heretofore decided, which has been referred to in the previous argument, and discussed the points involved. length. He was referring to the Hilton case, involving the tax on carriages, when Chief Justice Fuller called his attention to the fact that Mr. Hilton had an unusual number of carriages, 125, as he remembered. "Unusual in numbers, yes," Edmunds asserted, "but he possessed them, as many persons possess virtue and grace." He asked the court to send him to the revenue officers the adjustment who, he said, were not only the final judges, but the inquisitors as well. "It is true," he said, "that these returns are to be regarded as confidential, but how are we to know they will always be treated so; it is not possible that they may be treated, for instance, like the confidences of the United States Senate?"

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then anarchy, then a tyrant to rule us as the resolving changes go around." The Justice Harlan asked Edmunds if he had formulated a definition of the difference between a direct and an indirect tax, and he replied that he had. He thereupon proceeded to give it, saying a direct tax was a tax on any kind of property and upon persons, not in respect of property in existence, acquired or to be acquired; not on a calling of the importation of goods, but in respect to the things which belong to the existence of property, while an indirect tax includes all the rest, as referred to in the Constitution under the head of duties, imports and excises, which would be heavy or light on each person, depending upon his will.

"Do you not," asked Justice Brown, "regard a tax that is paid by a person as an indirect tax?" and Edmunds assented. Asked by Justice Shiras to give a definition of excise, he quoted Jacobs and Johnson, where the latter says it is a "latent tax" collected by "wretches." The Justice then suggested that a definition would fit his (Edmunds) idea of an income tax, to which Edmunds replied that it did in part.

Edmunds closed with a plea for equality in taxation. He declared it to be a mission of the Supreme Court, the tribunal of the last resort, to correct such mistakes, and made a last appeal for a reformation of the principles of equality and uniform justice, which would be a uniform justice necessary for it to reverse a former decision.

SPEAK TO HIS RULING.

A Tilt Between the Governor and Lieutenant-Governor of Indiana.

INDIANAPOLIS, March 11.—Lieutenant-Governor Nye ruled to-day that the Senate could not pass any bills, as it was the last day of the session. Speaker Adams of the House made an opposite ruling, allowing bills to be passed. There was an animated scene in the Lieutenant-Governor's room at noon, after the Senate adjourned. Mr. Nye was signing bills, when Governor Matthews came in. He was visibly excited, and said he had three bills before the Senate which ought to be acted upon. One was against prize fighting.

"I am willing to waive my rights under the Constitution," said Governor Matthews. "I am not. What is the Constitution made for, if it is to be disobeyed? Is it made for the whole people, or just for the Governor of Indiana?" said Mr. Nye.

"You made a wrong ruling two years ago," said Mr. Nye.

"I say I did not," and the Lieutenant-Governor brought his fist on the table before him. "I ruled then that a bill under consideration on Saturday night at adjournment was proper to be brought up Monday."

"Well, if those bills are lost I will hold you responsible for them." "I don't care a— for your bills. They have been before the Senate for some time. Why were they not brought up and passed before this?"

"I don't either. I know I did not interfere with them, and I will not change my ruling."

BROKE UP IN A WILD RIOT.

INDIANAPOLIS, March 11.—The Legislature broke up in a wild riot to-night, in which almost every member was injured. Revolvers were drawn, and many persons were seriously injured, Adams of Park County perhaps fatally. The House was filled with howling, singing and shouting. Men who had been friends, and sat side by side during the session, became deadly enemies, and made every effort to injure each other. Myron King, Governor Matthews' Private Secretary, was locked in the elevator, and a big burly man guarded the door and refused to allow him to leave. The police finally drove the man away, and the Secretary was released.

When King arrived at the door of the House at 11:55 he found it locked. He sent an important message from the Governor, and a great deal depended upon its delivery to the Speaker of the House before 12 o'clock. He pounded the door, but was denied admission. He called out commands, and requested that it be opened. A message from the Governor. His voice was heard by a number of Democrats who were in the corridors, and they ran to his assistance. An attempt was made to force open the doors, but the crowd of Republicans who were bent upon the Governor's Secretary being kept out with all the force they could command. The doors were unable to stand the pressure brought to bear upon them, and they were forced open. King, who was in the corridors, was forced right into the crowd of Republicans who were bent upon keeping him from reaching the Speaker. With one accord the men began striking at each other, and the Secretary was in great danger of being killed.

"Kill him," cried a hundred voices. The women who were in the gallery screamed, and one or two of them fainted. And everything was confusion, and friends and enemies alike were fighting.

The sole aim of the Democrats was to get King through the crowd to the Speaker's desk, with the Governor's veto, and the Republicans were determined to keep him back until 12 o'clock, at which time the house would adjourn sine die.

Inch by inch the Democrats gained ground. Many persons were knocked down and trampled under foot. Revolvers were flourished in the air, but as fast as they were drawn the men holding chairs were knocked down. The heavy desks were torn from the hands of the mob, and the desks were broken to pieces. The police were powerless to check the mob, which seemed bent on destroying the speaker's room. At 11:57 the excitement was intense. Men were fighting in every part of the room and several of them were bleeding from numerous wounds. The Democrats were gradually forcing King toward the Speaker's desk, and the Republicans were growing weaker on account of some of them being injured.

Thirty minutes later King, with his shirt almost torn from his back, and his back bleeding, was pushed by main strength through the crowd and thrown heavily against the Speaker's desk. He held on to the desk with his hands, but it never reached the Speaker. Just as King was about to place it in Speaker Adams' hand that official boat started back the crowd, and in a voice which could be heard above the din, he cried: "The House has adjourned." This raised a great cry from the House, and everybody made a rush toward the Speaker. The veto was torn from King's hand by a man, who dashed out of the crowd with it and made good his escape. This practically ended the riot. Several fights occurred, but the police finally succeeded in driving them from the chamber. No less than two dozen persons were hurt. No arrests were made.

The trouble originated over the attempt to deliver to the speaker a veto from Griffin, a Democrat, with a Republican. The Governor has three days in which to consider all measures. The bill was delivered to the Governor three days ago. It was his scheme to hold it to the last minute, and then the Legislature could not pass it over his veto, as its statute adjournment would take place at 12 o'clock. The Governor's veto was started with the bill, with only ten minutes' time. Adams, who was injured, is the representative of Park County. He was kicked in the pit of the stomach, and had to be carried from the House.

LURED TO HIS DEATH.

A Workman Murdered by a Supposed Friend.

FATALLY STABBED AND DRAGGED INTO THE STREET TO DIE.

A San Bernardino Farmer Shot and Killed by His Neighbor, the Result of Drinking Too Much Wine, Ending in a Quarrel—Two Sleek Operators Find a Number of Ready Victims at San Jose, Whom They Swindle Out of Goodly Sums and Then Clear Out.

Special to the RECORD-UNION.

MENOCINO, March 11.—Yesterday morning at 7 o'clock William McLean, a workman in the Albion Woods, was found murdered in front of Gus Semmler's saloon in this city. His person bore the marks of three knife cuts, a small one on his left wrist, a deep gash a few inches from the heart and another two inches behind the left ear.

An inquest was held by a Coroner's jury, which lasted from 10 A. M. until 4 P. M. The decision handed in by the jury was that William McLean met his death early Sunday morning from the effects of a knife wound two inches back of the ear; that Joseph Haquist was the murderer. Haquist was immediately arrested and landed in jail.

Every precaution was taken last night for fear of a party breaking into the jail and hanging the suspected man. Everything points to the fact that Haquist is the murderer. He is of a quarrelsome disposition, when drunk, and Saturday evening, while intoxicated, had some trouble with McLean and swore that he would kill him before morning.

In inspecting Haquist's house a great quantity of blood was discovered on the floor and also on his clothes. By many it is thought that he induced McLean to come into his house, and after getting him into his drawers, he was discovered and dragged his body out in front of Semmler's saloon, which is a short distance from his house.

Haquist explains that the blood came from the floor from a slight wound which he received while in a light Saturday evening. But this is hardly consistent in proportion to the amount of blood found, and does not account for the blood found on his drawers, which was discovered in a washbasin. The wound is under his left eye. Haquist will have his hearing to-morrow.

HOMICIDE IN SAN BERNARDINO COUNTY.

SAN BERNARDINO, March 11.—James P. Medlin was shot and killed by William Taber at Cajon on Saturday night, resulting from the wound about 2 o'clock this morning. Taber and Medlin were good friends, living on adjoining farms. Medlin lived alone, and Taber was married. Medlin invited Taber to a Sunday dinner. Taber's wife cooked the dinner, and after the meal Medlin, Taber and Tom Holt went to a Frenchman's saloon, not far away and drank wine together.

On the return trip a quarrel began between Medlin and Taber, about what the scene of the killing took place. Taber was greatly excited and ran on ahead of the others. Soon after Tom Holt saw him returning with a double-barreled shotgun, and fearing trouble, ran on to intercept him. When he came up Taber pulled his gun to his shoulder and ordered Holt not to interfere in the quarrel. He was glad to let Taber pass him, and fired both barrels, cutting off the forearm of his left arm.

After the shooting Medlin said: "Taber, I don't know anyone who you shot me for the sake of my wife." Holt hastened away for help, leaving Medlin alone, and Taber and his wife had left. Before anyone reached the wounded man again he had crawled three hundred yards into the brush, bleeding copiously all the time. Some blankets were thrown under him, and he lay out on the ground all night, dying at about 2 o'clock in the morning, of hemorrhages.

Holt came to town this morning and gave the officers information of the bloody tragedy. The Coroner, Deputy Sheriff and Constables at once visited the scene of the killing, but too late to apprehend the murderer. It is learned that Taber came to town last night or early this morning. His usual haunts are at the home of C. Danhook, a saloonkeeper at Lemoore, an unincorporated town, was also tried and taken under advisement by the court.

Water Famine Impending.

TACOMA (Wash.), March 11.—The water supply in the residence portion of the city was shut off to-day by order of the Superior Court, and a water famine is impending. The court has decided that the main supply of water does not belong to the city, but to private individuals, although the city recently paid \$2,000,000 for the supply. Suits are now pending to recover the money.

Rev. Bukey at Portland.

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LONDON, March 11.—A Shanghai dispatch to the Times says a Chinese force of 7,000 men, supported by thirty guns, was attacked by the Japanese at Don Shotalon on Saturday last. General Katsura commanded the center division of the Japanese army, which fought bravely. General Oku was in command of the right wing of the troops. The left wing was composed of Yamagata's soldiers from Kaping. The attack was successful, and in two hours the Chinese fled toward Chin Chow, losing 400 men. The Japanese loss was ten killed. After burning Don Shotalon for strategic reasons, the Japanese recrossed the Liao.

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RIOT AT NEW ORLEANS.

Desperate Conflict Between Whites and Negroes.

NEW ORLEANS, March 11.—At 10:30 a large number of white men appeared on the levee at the head of St. Andrew street and by threats and violence drove off the colored laborers. The police dispersed the whites, firing a number of shots. No one was hurt. Thirty or forty shots were fired by the whites. Two negroes, John Packet and Philip Fisher, were fatally wounded.

Fire in a Mine.

MINNEAPOLIS, March 11.—A special to the Tribune from Winnipeg, Man., says: The shafthouse at the famous Sulston gold mine, twenty-four miles from Rat Portage, caught fire early this afternoon, and before the flames were discovered they completely enveloped the building. The cause of the fire was a messenger who arrived at Rat Portage from the mine at 8 o'clock to-night says when he left at 4 o'clock only four men had been brought up. A number of doctors were working over these, in the hope of resuscitating them, but with small chances of success. The other miners in the mine were certainly suffocated, and practically given up for lost. The shaft machinery lying on fire, hindered the work of the rescue. Most of the men live at Rat Portage, and there is great excitement, and the only consolation is a circutous and somewhat dangerous wagon trail.

A Girl Drowned.

REDDING, March 11.—Yesterday afternoon a pleasure party went out from Igo to Clear Creek, where a new bridge is being built. County Supervisor Harvey, his daughter Jennie and young son were with them. Jennie and the boy attempted to cross the stream on a plank. One end of the board slipped and the children were precipitated into the deep and rapid current. The boy swam ashore, but Jennie was drowned. A young man who jumped in and tried to save her almost lost his life. The girl's body has not been recovered.

Kings County Liquor Law.

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