

Business Notices.

GENIN will introduce on... KNOX—Buy your Spring Hat at KNOX'S... THE BONNER HAT... LEARY & Co... HATTERS' PLUSH, BRIM SATIN AND CLOTH... SPRING OVERCOATS... BALLOON'S Improved French Yoke SHIRTS... APRIL—And thou hast joined the gentle train... SPRING IS HERE—With it comes bustling, bustling, commercial and other traveling... SILVER WARE... WIDDER'S PATENT SAFING... WHEELER & WILSON'S SEWING MACHINES... SEWING MACHINES—All persons who have been... SINGER'S SEWING MACHINES... GROVER & BAKER'S IMPROVED... REPTURE CURED WITHOUT LACERATION... FRENCH CLOCKS... BARRY'S TRICHOPOURUS... THE POLAR REFRIGERATOR... "BALDWIN'S" CLOTHING ESTABLISHMENT... LADD, WEBSTER & CO'S... A CAUTION—All persons who wish to preserve their hair... MEYER'S MIRACULOUS VERMIN DESTROYER... BRANDSTON'S PILLS

THE "OLD DOMINION" Coffee and Tea Pots... COMMISSIONER OF DEEDS and NOTARY PUBLIC... MARAVILLA... "HOLDEN'S CREAM SOAP," FIVE CENTS PER POUND... FIRE AND BURGLAR PROOF SAFES... PROF. WOOD'S HAIR RESTORATIVE... CRISTADORO'S HAIR-DYE, WIGS AND MUSTACHES... CAPTAINS OF MERCHANT SHIPS... WATCHES AND JEWELRY... FIRST QUALITY FISH AND PROVISIONS

New-York Daily Tribune

FRIDAY, APRIL 1, 1893.

TO CORRESPONDENTS.

No notice can be taken of Anonymous Communications... Business letters for THE TRIBUNE Office should in all cases be addressed to HORACE GRACELEY & Co.

STATE RIGHTS.

The danger was very early foreseen of a most serious conflict between the Courts of law of the several States and the new Federal Courts created under the United States Constitution.

TEMPERANCE LEGISLATION.

There is a very steady anecdote of the pastor of a rural parish, who learned one day that his flock were debating the propriety of raising his annual salary from \$300 to \$400.

HAIR RESTORATIVE.

Which restores the scalp to a healthy state, and restores GRAY HAIR to its NATURAL COLOR, imparts a beautiful, soft and glossy sheen to the hair, and prevents its falling out.

HULL'S HAIR DYE.

Black or Brown, imparts a soft, glossy appearance, and is admitted to be the best in use. Sold at No. 112 Broadway, and by all Druggists, Chemists, and Dealers in Fancy Goods.

BALDNESS CURED.

One box of MAGNETIC BALM, prepared by Dr. J. C. Smith, will cure Baldness, Thinning of the Hair, and all other ailments of the scalp.

BRANDSTON'S PILLS.

Remove torpid bowels, and restore weak and debilitated constitutions to perfect health and vigor. Principal office, No. 291 Canal-st., New-York. 50 cents per box.

MEYER'S MIRACULOUS VERMIN DESTROYER.

THE ONLY REMEDY IN THE WORLD WHICH DESTROYES ALL KINDS OF VERMIN, AND WHICH IS ENTIRELY HARMLESS TO MAN AND ANIMALS.

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granting of a license in any city or town where No License had a majority. The result of the vote so taken should stand as the judgment of the town or city until one-third of the legal voters residing therein should vote, at least one month before the pending Municipal Election, in a written requisition for a new trial at said election; when legal notice should be given of such vote in the official warning of said election.

IV. No license for the sale of Distilled Liquors, Foreign Malt Liquors, or Wines, or of any beverage whereof any of these form an ingredient, should be granted at a less charge than \$50 in a rural district, \$100 in an incorporated village, \$200 in a city, or \$300 in New York or Brooklyn.

VII. Any sign, inscription, flag, picture or device of bottles, &c., implying that Liquor is sold at a certain place, should be deemed conclusive evidence that it is so sold, and judgment be rendered accordingly.

VIII. The penalty of selling in defiance of the prohibitions of this act should be \$10 per day, and whoever is convicted of selling in defiance as aforesaid should be held, in the absence of contradictory proof, to have so sold each day since the beginning of the license year, and suffer penalty accordingly.

IX. Licenses to sell Distilled Liquors or imported Wines in quantities of less than one gallon to be granted only to hotels or taverns fully provided for the entertainment of travelers.

X. Any citizen, on giving security for costs, to be at liberty to sue for, and recover, in any court of original jurisdiction, any penalty or penalties incurred by a violation of this act; said penalties, when recovered, to be paid by the culprit to the County Treasurer, who shall apportion half the amount so paid to the person suing as aforesaid and half to the city or township in which the offense was committed, for the support of its poor.

Such are the outlines of an Excise Act which we are confident would meet, and would reduce the present number of grog-dispensaries in our State by at least three-fourths. If the object were simply to get rid of the remaining fourth, we insist that this is the most feasible mode of accomplishing it.

The danger was very early foreseen of a most serious conflict between the Courts of law of the several States and the new Federal Courts created under the United States Constitution.

When a person is in the custody of an officer of the United States, a State may indeed issue a writ of habeas corpus, and the officer holding the person in custody must make return to the writ as if to show cause, but no further, and that thereupon the power of the State Court is at an end.

According to this decision the writ of habeas corpus, when issued by a State Court against a Federal officer, can be used for no other purpose except to ascertain that the officer is acting in that capacity under a warrant issued from some United States Court. The moment that fact appears the State Court becomes powerless; it cannot go a step further.

That was a most reasonable suggestion, and we commend its moral to the thoughtful consideration of our Senators, who propose to canvass the subject of Intemperance, its accessories, and its antidotes, this evening.

The Liquor interest is perfectly satisfied with things as they are, as it would be with any additional legislation that should prove utterly abortive and nugatory. It would not object to a Prohibitory Act on the statute book, provided that would surely lead to a general abstinence and violation of all restrictive legislation respecting the Liquor Traffic.

But even this remedy, under the construction which has been put on the Judiciary act and the Constitution of the United States, in a vast majority of the most important cases, has no existence. The Supreme Court of the United States has ample authority to call the State Courts to account and to correct their proceedings in all cases involving the constitutionality, the construction or the application of acts of Congress; but, by a strange anomaly their power in this respect over the inferior Federal tribunals is far more limited.

I. The existing License Act allows liquor to be sold, under certain conditions, in towns or cities where a majority of the voters regard such sale as a nuisance and wish it suppressed. This is not right. The new act should provide for a popular vote—License or No License—at the next Municipal Election in each city or town, and forbid the

granting of a license in any city or town where No License had a majority. The result of the vote so taken should stand as the judgment of the town or city until one-third of the legal voters residing therein should vote, at least one month before the pending Municipal Election, in a written requisition for a new trial at said election; when legal notice should be given of such vote in the official warning of said election.

II. Every license should be conspicuously posted up on the premises for which it is granted; and any sale in default of this display, or in any other apartment than that in which the license is posted, should be as illegal as if no license had been granted.

VI. Licenses to sell Lager Beer, Cider and the Wine aforesaid, should be granted at \$10 each; said license to be forfeited by any sale, however innocent, of such beverages adulterated by Foreign Wine, Beer or Distilled Liquors, or by the incorporation therewith of any noxious drug whatever—each seller being bound to take care that he sells a pure article exclusively.

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The question of State rights raised by this decision is far broader and more fundamental than that raised by the famous Virginia and Kentucky resolutions of '98 and '99. There the question was merely as to a few particular points in which Congress was charged to have exceeded its powers, while here we have the claim set up for a body of officers over whom the people have no direct control whatever, and not only the people, but nobody else, that they alone should have the power of rectifying their own mistakes and of judging as to the validity of their own acts.

It is generally believed that the people of Boston pass their days in a condition of perpetual restlessness, being provided by Providence, Nature and Art with all that can render life easy and comfortable; and having, at all times, and under all circumstances, a panoply against epidemics, in the Washington-street Theater—the finest Temple of Theopis in the known world; in the Picture Gallery of the Athenaeum; in the Common—which is slightly smaller than Hyde Park, but by many degrees more beautiful; and, finally, in the daily and nightly performance of the Seventh Symphony of Ludwig Von Beethoven—which may be played in other cities, but can be played in no other city correctly.

"Our supply," says *The Boston Courier*, "of fresh water for several days will be limited." The *Courier*, which is nothing if not adulatory and philosophical, declares as follows: "It would almost seem as if the people of Boston, meeting with the Cocchituate at every turn, 'free as air,' 'had come to think that it was as inextinguishable as that element, for it is notorious that the waste of the precious fluid has been enormous.'"

But, were the Assembly admitted to possess any such extraordinary power as this resolution claimed for it, the present case—so the argument proceeded—did not afford any occasion for its exercise. Why turn Hazard over to a new lawsuit, unless there was reason to suppose that before a new tribunal he would make out such a case as would entitle him to a substantially different decision?

Why, in fact, at this late day, upon allowing him a hearing before a Jury? He might have had such a hearing, had he asked for it, in the case already adjudged, and that the counsel whom he employed did not see fit to apply to the Court for such a hearing affords conclusive evidence that they did not think their client had anything to gain by it.

That a man is bound to fulfill his bargain is a plain principle of common justice, just as much regarded by Juries as it is by Courts of Equity. In order to be excused from fulfilling this contract, Hazard must show some reason why. The reason that he alleged was, that the agreement which he signed was a different agreement from what he supposed it to be, a positive instead of a conditional agreement, and that he signed it in such a hurry as not to be aware of this circumstance.

It was exactly the case of a man who signs a promissory note payable on demand, and being sued upon it a month after, sets up as a defense that the note he agreed to give was a note payable in a year, and that he signed the note in suit supposing it to be that note—a good defense in itself, but then it must be proved. No man can be allowed to set aside his written promises by his mere allegations that he was deceived or mistaken as to their contents.

Since the account which we gave some time since of the Ives and Hazard controversy in Rhode Island, several new pamphlets have appeared, containing reports and speeches made in relation to it in the Rhode Island Assembly.

One of the charges, as our readers may recollect, based on that case, was that the official reporter and present Chief Justice of the State had introduced, into his preliminary statement of the case as reported, matters injurious to the defendant which formed no part of the plaintiff's case. This charge, having been indorsed by the report of a Special Committee to which the whole subject had been referred by the House of Representatives, Judge Ames, the party implicated, at once applied for

liberty to be heard upon this accusation against him, either before the House or a Committee of it, since the charge had been introduced into the report without any notice to him or any opportunity to defend himself. The same charge, having in one shape or other, been brought before both Houses, a Joint Committee was appointed, before which Mr. Ames appeared and spoke. The result of this hearing was a unanimous report of the Joint Committee, entirely exempting Mr. Ames, he having clearly shown that his statement as reported was made up from the depositions filed in the case, and was fully borne out by them.

By which the charge had been introduced, subsequently reported that, upon further investigation, they were satisfied that there was nothing in the report which ought to subject the reporter to any censure on the part of the Assembly.

By the passage of a resolution setting aside the equity proceedings and the judgment thereon, and leaving the complainant to seek his remedy before a court of law in conformity with the requirements of the Constitution and laws.

This report formed the subject of debate during the entire session of the Assembly, and drew out many able speeches. By those who opposed this resolution, it was denied that the Assembly possessed any such powers as this resolution proposed to exercise, of annulling, by act or resolution, the decisions of the Supreme Court; or, secondly, that, if it did possess any such powers, this case presented any occasion for using them.

The question, as we formerly observed, as to the powers of the Assembly, is peculiarly a Rhode Island question. In no other State of the Union could it possibly be suggested that the Legislature possesses any power to annul or set aside the judgment of a court of law. The Constitution of Rhode Island, quite recent, as everybody knows, in its origin, appears to be founded on the model adopted by all the other States. It contains the same division of the powers of Government into Executive, Legislative and Judicial. But it also contains a clause reserving to that body all the powers possessed by that body under the old charter, and as under that charter the Assembly exercised a sort of omnipotent power, including in certain cases a judicial authority, the advocates of the nullifying resolution insisted that the same power still appertained to the present Assembly, and that under that power this resolution might well be passed.

But, to this it was replied, and certainly with great force, that the clause of reservation above referred to could not, in common reason, be supposed to include those judicial powers which the Constitution had in special and positive terms previously conferred upon the Supreme Court. The whole object of the Constitution was to limit and restrict the powers of the Assembly, and it was absurd to suppose that this work, the doing of which had cost the State so much, the final termination of a long and bitter controversy, had all been undone in the very act of doing, and the Assembly, by the clause above referred to, left just as omnipotent as ever. Moreover, it was denied that the Assembly had ever at any time exercised any power like that implied in the above resolution. Such judicial power as the Assembly had formerly exercised, it exercised as a Court proceeding upon evidence and argument; it never undertook, by a pure arbitrary act of legislation, to take property out of one man's hands, of which he was in possession under a judicial decision, and to pass it over to another.

As to the alleged usurpation of Chancery powers, the Court proceeded in this case upon an interpretation of the statute which had been placed upon it from the beginning, and had been acquiesced in ever since it was passed. Hazard might have had the advantage of this objection at any time during the pendency of this suit. If his lawyers willfully neglected to bring to the notice of the Court a sound objection to its jurisdiction, through which neglect he has suffered, his remedy is against them. If the Legislature thinks that the Court has given to the act conferring Equity jurisdiction a construction not intended by the Legislature that passed it, and which it ought not to have, it is the duty of the Legislature to guard against such cases for the future by amending the act, and, if it be judged proper, limiting or taking away altogether the Chancery jurisdiction of the Court. That method would be effectual, and would be altogether better than for the mere purpose of limiting the Equity powers of the Supreme Court to turn Ives and Hazard over to a new lawsuit, to last perhaps for four years, like the first one, and to put several thousand dollars more into the pockets of the lawyers, but which could not, upon all the evidence hitherto produced, either in Court or in pamphlets, have any result substantially different from that already reached.

As to all the charges so vehemently insinuated or broadly urged against the Supreme Court of Rhode Island, of ignorance, incapacity, prejudice and inability to be influenced by the social and pecuniary position of suitors—grant the trusts of all his to its utmost extent, and this question still remains for the serious consideration of the people of Rhode Island—Will they gain anything in either of these respects by upsetting the Supreme Court and making the Assembly the arena for the decision of law suits? It is always well to recollect that there is such a thing as jumping out of the frying-pan into the fire.

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If the Legislature thinks that the Court has given to the act conferring Equity jurisdiction a construction not intended by the Legislature that passed it, and which it ought not to have, it is the duty of the Legislature to guard against such cases for the future by amending the act, and, if it be judged proper, limiting or taking away altogether the Chancery jurisdiction of the Court. That method would be effectual, and would be altogether better than for the mere purpose of limiting the Equity powers of the Supreme Court to turn Ives and Hazard over to a new lawsuit, to last perhaps for four years, like the first one, and to put several thousand dollars more into the pockets of the lawyers, but which could not, upon all the evidence hitherto produced, either in Court or in pamphlets, have any result substantially different from that already reached.

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