# HE HAD KIDNEY DISEASE.

## Only Relief Found Was in Paine's Celery Compound.

## James Harris, an Octogenarian, Found a Cure Long Sought.

### The Brilliant Saying of T. G. Appleton, Boston's Great Wit.

Not everybody knows that the brilliant saying, "Is life worth living? That depends on the liver," originated with the late Thomas G. Appleton of Boston.

There's enough wisdom in the pun to set up a college of physicians.

The liver, indeed, makes one see things through rose-colored glasses, or through the smoky glass of disease.

In the weakness of shutting one's eyes to the beginning of liver troubles because they are small ones misfortune really lies.

The man who neglects plain signs of coming illness, or who does not know what to do when sickness overtakes him—such a man is culpably ignorant.

As he gives a double benefit who gives quickly, so a man on the verge of falling into dyspepsia, nervous prostration or kidney trouble does himself a double benefit who quickly attends to disagreeable sensations in stomach, liver or head. It may be nothing; it may be serious. The risk is large. Paine's celery compound is now so easily obtainable—every druggist of any standing has it—and Paine's celery compound so quickly and permanently relieves sufferers from their ills that there is no excuse for a man or woman saying, "It is too late."

James Harris of Towanda, Penn., is 81 years old. He has been court crier for 38 years, and is in this way known in every part of his county. He is a man very much respected by all who know him.

JAMES HARRIS.

He has been in poor health for a long time, and his improved condition is the subject of general remark.

Clarence T. Kirby is a druggist in Towanda, and he says that when Harris went to him for two bottles of Paine's celery compound last May, before he started for a visit to his daughter in Orwell, he was in very bad shape, and he would not have been surprised if Mr. Harris had never come back to court again. Let Mr. Harris tell his story.

He says: "I have been troubled for years with what the doctors call Bright's disease, and my right kidney has bothered me terribly; my knees pained me so that I could hardly bend over at all. I had dizziness in my head, although I never was much troubled with headache. I have been so dizzy as to fall off my chair and had to be helped up by others. In these dizzy spells I would apparently see specks flying in the air, and I was troubled very frequently in this manner, both on the street and in the house. I had cramps nights so terribly that I could not get to sleep until 3 o'clock in the morning. I first read of Paine's celery compound about a year ago. Having tried nearly all the medicines and consulted several physicians without getting relief I had little confidence in anything, but I spoke to druggist Clarence T. Kirby about it, and he said he was having a great demand for it, and I concluded to try it. I purchased two bottles and took it to Orwell with me and used it according to directions. I began to feel better at once. When two bottles were gone I could get no more at Orwell and discontinued its use until I came back to Towanda. But I certainly had less pain in my kidneys, had no cramps, and could sleep and rest nearly all night. When I went into the court house on my return Judge Peck and all the court officers congratulated me on my improved appearance and told me I was getting young again. And I certainly feel younger now. I am taking my third bottle of Paine's celery compound and shall continue its use. It has done me more good than all the other medicines I ever took, and to it I owe my present improved condition of health."



TWENTY YEARS THE LEADER!!!

Coughs, Pleurisy, Rheumatism, Sciatica, Lumbago Back-Ache, and all External Ailments removed quickly by

BENSON'S

which is the only POROUS PLASTER that contains powerful and curative modern ingredients YET ABSOLUTELY SAFE and POSITIVE in its action.

Benson's Plasters Prevent Pneumonia.

It does not cure chronic ailments in a minute, nor does it create an electric battery or current in the system, nor will it cure by merely reading the label, all such claims are made by quacks and humbugs. BENSON'S is endorsed by 5,000 Physicians and Druggists.

CAUTION—Don't be duped by unscrupulous Druggists who offer cheap trash which they claim is just as good or better than BENSON'S. Get the genuine, always reliable. Keep them at home for emergencies.



Royal HEADAKE Powders. 10c.

All Druggists Sell and Recommend

Why does BUTTS' BROMO LITHIA cure headache where all other bromos fail?

The physicians will tell you that Bromide of Potassium is irritating to the stomach and is seldom, if ever, prescribed. Whereas BROMIDE OF LITHIA is soothing and harmless; acts on the Kidneys, and in the combination of BUTTS' BROMO LITHIA, which is the greatest discovery of the age, is a safe and positive cure for Headache, Neuralgia, Sleeplessness, Nervousness, Insomnia and excessive use of stimulants. For sale by all druggists. Price, 10 cents. jo2

GENTS' SUITS SCOURED AND PRESSED FOR $1.

Coats, 50c.; Pants, 25c.; Vests, 25c. Altering and repairing done in best manner. Goods called for and delivered. Telephone call 1427.

K. L. HAHN, 705 9th st. n.w., and 425 N. Eutaw st., Baltimore, Md. se30


# SPORTS OF THE DAY.

## The Valkyrie Again Wins a Race.

## GOOD WORK OF THE SENATORS

**They Bat the Curves of Terry and Gastright and Have No Trouble to Get a Game—De Oro to Play Walsh—London Chess Match.**

### BATTED OUT A VICTORY.

**Home Runs by Farrell and Larkin and Hard Hitting by McGuire Helped to Win.**

"It's dollars to crackers we win tomorrow," said Sullivan on Sunday, speaking to an acquaintance about the next game with the Pittsburgs. It was a cinch as Sullivan said, but Joe ought to have put us all on to the "good thing."

The Senators found Terry and Gastright to be far easier than the wily south paw, Killen, and batted out a victory. The Pittsburgs' twirlers were very wild, while Duryea was as steady as a judge. Five of the Washingtons' runs were made by men who reached first on balls. Only one of the Senators who scored reached his base on an error, which shows that the visitors gave their pitchers good support.

Terry started in to pitch for Pittsburg, but the Senators hit him so hard that Gastright was substituted, but he fared no better.

Duryea pitched an excellent game, and, with the exception of Hoy, received good support. The mute dropped two fly balls and misjudged another.

Hoy, however, made a wonderful catch of Beckley's fly in the first with the bases full, which saved two runs. He was running with the ball, and just as it was going over him he made a side jump and flung up his right hand. The ball struck in his hand, and the air rang with cheers.

Farrell and Larkin hit for home runs.

The game was a very long one, not ending until 7:15 p. m. Score:

| WASHINGTON. | R. | H. | O. | A. | E. | PITTSBURG. | R. | H. | O. | A. | E. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Radford, rf | 0 | 1 | 0 | 0 | 0 | Donovan, rf | 2 | 3 | 1 | 0 | 0 |
| Hoy, cf | 1 | 0 | 2 | 0 | 2 | O'Brien, cf | 2 | 3 | 0 | 0 | 1 |
| O'Rourke, lf | 0 | 0 | 1 | 0 | 0 | Shugart, ss | 0 | 1 | 3 | 5 | 1 |
| Wise, 2b | 3 | 2 | 4 | 3 | 0 | Smith, lf | 1 | 2 | 6 | 0 | 0 |
| Larkin, 1b | 3 | 2 | 11 | 0 | 0 | Lyons, 3b | 1 | 2 | 2 | 2 | 0 |
| Farrell, 3b | 4 | 2 | 2 | 4 | 1 | Bierer, 2b | 0 | 1 | 3 | 2 | 0 |
| McGuire, c | 2 | 4 | 5 | 0 | 1 | Beckley, 1b | 0 | 0 | 8 | 1 | 0 |
| Sullivan, ss | 1 | 2 | 2 | 5 | 1 | Mack, c | 1 | 0 | 3 | 1 | 1 |
| Duryea, p | 0 | 1 | 0 | 2 | 0 | Terry, p | 0 | 0 | 0 | 0 | 0 |
| | | | | | | Stenzel | 0 | 0 | 0 | 0 | 0 |
| | | | | | | Gastright, p | 0 | 1 | 0 | 0 | 0 |
| | | | | | | Miller | 0 | 0 | 0 | 0 | 0 |
| Total | 14 | 14 | 27 | 14 | 5 | Total | 7 | 13 | 27 | 10 | 3 |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Washington | 1 | 3 | 2 | 0 | 1 | 4 | 0 | 0 | 3 | —14 |
| Base hits | 0 | 2 | 3 | 0 | 1 | 3 | 0 | 1 | 4 | —14 |
| Pittsburg | 3 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | —7 |
| Base hits | 3 | 1 | 1 | 2 | 1 | 1 | 2 | 1 | 1 | —13 |

Earned runs—Washington, 8; Pittsburg, 1. First base on errors—Washington, 1; Pittsburg, 5. Left on bases—Washington, 12; Pittsburg, 12. First base on balls—Off Duryea, 4; off Terry, 4; off Gastright, 9. Struck out—By Duryea, 2; by Terry, 1. Home runs—Farrell, Larkin. Three-base hit—Van Haltren. Two-base hits—Duryea, Larkin, Sullivan (2), Van Haltren, Gestright. Sacrifice hits—Shugart (2), Beckley, Farrell, Sullivan, Gastright. Stolen bases—McGuire, Dunpan, Radford (2), O'Rourke, Mack, Beecher. Hit by pitcher—By Duryea, 3. Umpire—McQuaid. Time—2:45.

### OTHER LEAGUE GAMES.

The St. Louis team was not in the game with the New Yorks yesterday. Rusie was invincible for six innings and then let up. Gleason on the other hand was wild and Ward's men hit him almost at will. Burke's batting was a feature as was Connor's first base play. Quinn made two costly errors. Mike Kelly was laid off without pay until he gets into condition to play ball. Ward also released Pitcher Donohue, who was immediately signed by the Lowell, Mass., team. Score, 10 to 5.

Parrott, the third baseman of the Chicago team, was the man who did the most toward defeating the Brooklyns at Eastern Park yesterday afternoon. Parrott participated in all three of the double plays made. Dungan made a glorious catch in the eighth inning, which robbed Con Dailey of a home run. Altogether the Chicagoians fielding was very fine. Schriver and Dahlen batted the best, Dahlen getting a home run. Just when the hits were needed Brooklyn failed to get them. Score, 7 to 5.

The Louisvilles met with defeat at the hands of the Baltimores yesterday, because of the Orioles getting a batting streak in the eighth inning. Stratton up to this time pitched a fine game. McMahon was hit sparingly and was wild at times. The fielding of both teams was good, the outfielders making some very pretty plays. Ward, who was with the Baltimores last year and who played with New Orleans, made his reappearance. Previous to the game the Baltimore and Louisville teams completed a deal which, no doubt, will cause a surprise. Left Fielder O'Rourke of the Baltimore club was traded for First Baseman Taylor and Shortstop Jennings. Taylor will report in Philadelphia June 17. Manager Barnie also caused a private stir by fining Hemming, Harrington, Rhines and W. Brown for imbibing too freely on Sunday. Attendance, 2,320. Score, 5 to 3.

Philadelphia won an interesting game in the tenth inning after two were out on successive three baggers by Cross and Allen and Keefe's single. Cincinnati got a lead early in the game by reason of errors by Allen, Thompson and Boyle, but the home team overcame this by hard hitting. Weather clear and hot. Attendance, 2,579. Score, 8 to 6.

The Champions fairly won yesterday's game from the Spiders by superior batting. It was a "scrapping" game from start to finish, both teams finding fault with the umpire and continually fighting for points. Young was substituted for Clarkson in the seventh inning. Attendance, 3,000. Score, 12 to 10.

**Standing of the Clubs.**

| Clubs. | W. | L. | Pct. | Clubs. | W. | L. | Pct. |
|---|---|---|---|---|---|---|---|
| Pittsburg | 21 | 10 | 67.9 | New York | 16 | 17 | 48.5 |
| Boston | 21 | 12 | 63.6 | Washington | 15 | 16 | 48.4 |
| Phila | 18 | 13 | .58.1 | St. Louis | 13 | 17 | 43.3 |
| Brooklyn | 17 | 14 | 54.8 | Chicago | 13 | 17 | 43.3 |
| Baltimore | 17 | 15 | 53.1 | Cincinnati | 14 | 19 | 42.4 |
| Cleveland | 13 | 12 | .52.0 | Louisville | 3 | 19 | 13.6 |

**Good for Georgetown.**

The Georgetown University nine defeated the crack Princeton team at Princeton yesterday by 9 to 5.

Princeton put in their strongest battery, Drake and Wenchard, in the points, Guild on first and Otto at short field. On several occasions Princeton had men on bases with no one out, but the superior work of Dowd, backed up by Sullivan, was too much for the home team. This game completed the visitors' northern trip.

Base hits—Princeton, 7; Georgetown, 8. Errors—Princeton, 5; Georgetown, 3. Batteries—Drake and Trenchard; Dowd and Sullivan.

**Cowboy Race Prevented.**

The proposed cowboy race from Chadron, Neb., to the world's fair, which is dated to start June 13, will not be run if the influence and prosecution of the American Society for the Prevention of Cruelty to Animals can prevent it. The society, through its president, John P. Haines, has issued large posters headed "$500 reward," which will at once be circulated extensively through Nebraska, Iowa and Illinois, the states intended to be traversed in the race. These posters set forth that the society will pay that amount for the arrest and conviction of any persons participating in the much-advertised event, and quote the law as to cruelty to animals in each of the three states.

**The Valkyrie Again Wins.**

The Valkyrie won yesterday's race, beating the Brittania by one minute's time. The other cutters—the Iverna and Calluna—were nowhere in the race, and the Satanita, as already stated, had abandoned the race soon after it began, owing to an accident. The Brittania led throughout the outward sail, both she and the Valkyrie sailing a wonderful match. After the turn the Valkyrie gained steadily and got the lead finally as they jibed round Cork lightship, and then gradually widened the stretch between her and her opponent in the run to the bell buoy. There they jibed again and the Brittania, running astern, gained a little, so that at the finish there was not a length between the two boats. The Brittania was hardly twenty-five seconds behind. As the wind was light from start to finish the race was not especially exciting.

**Fleeced Lynn & Wall, Bookmakers.**

The Baltimore *Evening News* says that Lynn & Wall, the Arlington bookmakers, are said to have been fleeced out of about $4,000 last week by two New York sharpers who stood in with a New York operator who withheld the results of races on the big tracks and sent out prearranged signals over the ticker which no one but his confederates understood. The latter would then play the race according to the tips and a few minutes later the result would be flashed over the wires. The Western Union people in New York, however, caught their man holding back a dispatch, and a detective who came on to Baltimore spotted his men at once. The conspirators made their biggest piles on Jim White, Stockade and Nellie Shaw.

**De Oro Will Play Walsh.**

Pool Champion Alfred De Oro has made a match at continuous pool with P. H. Walsh of New York. The game is 600 points up and will be played in Nillson Hall, New York, in blocks of 200 on the evenings of June 15, 16 and 17.

**Chess Playing at London.**

The chess match in London between Bird and and Jasuagrodsky, now in progress at Simpson's, stands now four to five in favor of the Pole. Two games were drawn.

**The $30,000 Independence Futurity Stake.**

The $30,000 futurity stake has just been opened by the Independence (Iowa) Driving Park Association for foals of 1893 to be trotted in 1895. Three payments, amounting to $25, are all that is necessary to keep a foal eligible until the night before the race, when $250 allows him to start in the richest stake ever offered for trotters.

### THE VALKYRIE WELL ESTEEMED.

**English Sporting Men Think Her a Formidable Competitor.**

LONDON, June 6.—Yesterday's victory of Lord Dunraven's yacht Valkyrie has added much to the interest taken in her performances, and in sporting circles it is believed that she will prove the most formidable competitor England has yet sent to America to seek to regain the America's cup.

The wind yesterday was light, as it was on the previous occasion when the Valkyrie won, and it is now evident that she is able to sail comparatively well in light and baffling breezes.

How she will act in a stiff wind or a gale yet remains to be seen, but it is claimed that she will show herself a still better sailer in heavy weather.

The contestants in yesterday's race—the Valkyrie, Iverna, Brittania, Calluna and Satanita—started at 11 o'clock this morning to again race over the same course as sailed yesterday. This course is in the North sea and extends from Harwich to the lightship at the northern extremity of the Shipwash Sands, thence southward to the lightship marking the entrances to the King's and sunk channels, thence northward to the Shipwash lightship, or from Harwich to the sunk light ship, thence to Shipwash lightship and return, as the wind and tide may set.

### SOCIAL MATTERS.

**Summer Travelers and Stay-at-Homes—Personals of Interest.**

Secretary and Mrs. Carlisle and Mr. and Mrs. A. A. Wilson returned last night from Easton, Md., where they have been for nearly a week the guests of Senator and Mrs. Gibson. The trip to Easton was made from Annapolis on a private yacht. Coming home they missed the boat and were obliged to lengthen their holiday another day.

The stay of the party at Ratcliffe Manor was made a delightful one by such a host and hostess as Senator and Mrs. Gibson make.

Secretary and Mrs. Carlisle met the beauty and gallantry of the section at a lawn party last Saturday from 5 to 9 o'clock. Fully 500 persons were present to greet the distinguished visitors.

The front porch enters largely into social doings nowadays, or rather nights. Sir Julian and Lady Pauncefote have made all necessary preparations to enjoy the big balcony over the porte-cochere at the British legation. A gay colored awning protects it from the sun all day. Wicker chairs and rustic seats are plentifully provided, and after dinner every night it is a favorite resting place with the family and the guests who drop in. The doors of the legation are now thrown wide open every evening, and the lights stream out into the streets in the friendliest sort of way. When Sir Julian and Lady Pauncefote leave here they will go to Newport to spend the summer. The Misses Pauncefote are having a most interesting visit in Chicago, where every moment not taken up with social matters is given to the fair.

Secretary and Mrs. Hoke Smith enjoy their front doorsteps these hot evenings. With their children playing around them on the terrace they add a picture of domestic simplicity that is a familiar sight in this city.

Miss Corinne Blackburn has returned here for a visit to Mrs. James F. Barbour. She has been out at Fort Reno the past month visiting her sister, Senator and Mrs. Blackburn and their daughters will summer at Ocean City, Md., where they have a pleasant cottage.

Mrs. Beale will spend the summer at Deer Park, where Mrs. Tucker, Mrs. James F. Barbour, Mrs. Estes Rathbone and other Washingtonians have leased neighboring cottages.

The annual garden tea party for the benefit of the Home for the Incurables will be held Thursday, June 8, from 4 to 10, as usual, at the beautiful home of Mrs. George N. Beale, 3147 P st. A number of prominent ladies will assist at the various booths and tents and the event will be as attractive as it is possible to make it.

Miss E. Pauline Leech and Mr. Willis F. Roe will be married at Foundry Church on the morning of the 14th.

The Misses Lulu and Victoria Essex of M street are spending the summer with friends in Merrifield, Va.

Miss J. Estelle Nichols of Capitol Hill is at Chicago. She will make a trip to the Pacific coast before returning here and will remain there for several months.

Mr. Dennis Cullity and Miss Maggie Carpenter were married last Thursday evening at the Church of the Immaculate Conception by Rev. Father Ryan. Mr. Chas. Connor and Miss Lizzie Carpenter stood up with the couple. The bride wore cream cashmere trimmed with silk and carried bride's roses. A reception followed at the future residence of Mr. and Mrs. Cullity, which was largely attended.

Among those present were Miss Ella Cullity, Miss Nora Conner, Miss M. Killigan, Miss Nellie Lehy, Mr. W. Wall, Mr. D. Conner, Mr. Stoneman, Mr. J. Devine, Mr. G. Warren, Mr. Daley, Mr. Sullivan, Mr. and Mrs. P. Carpenter, Mr. and Mrs. C. Lingback, Mr. and Mrs. Will Brown, Mr. and Mrs. O. Woods, Mr. and Mrs. C. Conner, Mr. and Mrs. D. Connell, Mr. and Mrs. T. Hanley, Mr. and Mrs. McKenny, Mrs. M. Carpenter, Mrs. William Daley, Misses Carpenter, Misses Daley and Misses Boyle.

Miss Marie Howe, who sang the part of *Josephine* so successfully in the juvenile performance of "Pinafore," gave a box party on Saturday last at Albaugh's to the other members of the cast. The clever young company filled two boxes and greatly enjoyed the performance. Mrs. Frank T. Howe and Mrs. Harrison Dingman, who as the chairman of the ladies' executive committee worked so hard for the success of "Pinafore," matronized the party.

Miss M. Irene Sellman of Dickerson, Montgomery county, Md., who has been visiting relatives here, has returned home.

Mrs. Howard Thorpe Woods is visiting in Frederick.

Mr. and Mrs. R. K. Cralle leave tomorrow for Chicago, to be gone a week or ten days.

Representative and Mrs. Harter have sent out cards for the marriage of their daughter, Miss Annie Brown Harter, to Mr. John Vaughn Merrick of Philadelphia at St. Luke's Church, Mansfield, Ohio, June 13, at 5 o'clock. A wedding reception will follow at their residence.

### THE BOTTOM HEAVED UP.

**The Port Royal Dry Dock Damaged by the Upward Water Pressure.**

A serious difficulty has arisen in the construction of the timber dry dock at Port Royal, S. C., which will doubtless delay the completion of the work until a late date this year. Owing to the difficulties and novel character of the work the contractor was unable to finish the dock on time, which was April 23 last, and he secured an extension of five months. Matters were progressing well until the 13th of last month, when weakness developed in the bottom, and in a short time 125 feet of the concrete and piling was heaved up by the heavy water pressure below. Cracks also developed, and although the bottom was forced back by heavy weights about half the distance it had risen the injury has not yet been completely remedied. There are different theories as to the cause of the break, but the most plausible one is that the sheet piling which is intended to exclude the water in some measure and relieve the bottom of the dock from extraordinary pressure was not carried down far enough to perform its function. In addition to this lapse there was a failure to place relief valves in the bottom.

At present it is not possible to estimate the extent of the injury to the dock. If the upheaval does not extend the damaged portion may be repaired in the course of a few weeks, but if it extends the stability and success of the whole dock may be threatened.

**Platt's Chlorides is an Odorless** liquid, but its disinfecting power is great.

# OLD LICENSES GOOD.

(*Continued from First Page.*)

United States possesses full and unlimited legislative power, both of a political and of a municipal nature, over this District, there can be no question of its power to regulate or entirely prohibit the sale of intoxicating liquors within the District and to revoke all licenses previously granted, for, as declared by the Supreme Court of the United States, in Crowley vs. Christensen, 137 U. S., 91, "the police power of the state is fully competent to regulate the business, to mitigate its evils or to suppress it entirely. There is no inherent right in a citizen to sell intoxicating liquors by retail; it is not a privilege of a citizen; of the citizen of a state or a citizen of the United States. As it is a business attended with danger to the community it may, as already said, be entirely prohibited or be permitted under such conditions as will limit to the utmost its evils. The manner and extent of regulation rest in the discretion of the governing authority. That authority may vest in such officers as it may deem proper the power of passing upon applications for permission to carry it on, and to issue licenses for that purpose. It is a matter of legislative will only." Therefore, all persons obtaining licenses under such legislative power must take them subject to legislative will, and subject to be revoked whenever the legislative may deem it proper to do so.

THE SINGLE QUESTION.

The single question raised upon the bill of exception taken by the plaintiff in error at the trial below is whether the act of Congress has by fair and rational construction entirely repealed and superseded all prior legislation upon the subject of the grant of license for the sale of liquor in the District, and thereby nullified all pre-existing licenses, and made it necessary for parties holding such licenses to apply for and obtain new licenses under the new law. Or whether such licenses can, by fair construction, be allowed to run and afford protection to the parties holding them until the end of the current year for which they were granted.

On behalf of the plaintiff in error it has been ingeniously argued that the laws relating to the liquor traffic in the District and the regulations thereunder in force prior to and at the time of the passage of the act of Congress under consideration are not repealed by the act of Congress; but that the old laws and regulations in force at the date when the act of Congress came into effect, and the act of Congress, are to be considered in pari materia, and the intent of Congress is to be gathered from the whole taken together.

To refute this contention and to make it plain that the two license systems cannot coexist or stand together, even for a limited time, it is only necessary to examine and compare the provisions of the acts of Congress with those of the prior law. And it is proper first to refer to the provisions of the prior law.

THE OLD LAW.

The act of the legislative assembly of this District, approved August 23, 1871, provided that no person should be engaged in any trade, business or profession therein mentioned until he obtained a license; and that every person liable for license, who, failing to pay the same within thirty days after the same became due, for such neglect should, in addition to the license tax imposed, pay a fine of not less than five, nor more than fifty dollars, and a like fine or penalty for every subsequent offense. It was further provided that every place where liquors were sold in quantities less than a pint, to be drank on the premises, should be known as a bar room, sample room or tippling house; and the license tax or fee for such places was $100 annually, and the proprietors of beer gardens were required to pay a license tax of $5 per day. And all dealers in distilled and fermented liquors, wines and cordials, other than the keepers of bar rooms, sample rooms and tippling houses, were required to pay annually $10 for each $1,000 of capital invested, but that no licenses should be for a less sum than $25. And all annual licenses were required to date from the 1st of November of each year and expire on the 31st of October following; and the license of every person liable for license tax after the first of April, July and November, respectively, was required to date from the first of the month in which the liability began, and payment to be made for a proportionate amount.

These were the principal provisions of the license laws of the District applicable to the sale of liquor that were in force when the act of Congress of March 3, 1893, went into effect, and it was under these provisions of the prior law that the plaintiff in error obtained his license to keep a bar room on the 23d of December, 1892, to expire on the 31st of October following.

THE NEW LAW.

The act of Congress of March 3, 1893, contains twenty-one sections, and as I have said, it professes to provide for the full and complete regulation of the entire liquor traffic in the District of Columbia and makes no provision whatever for continuing in force existing or unexpired licenses.

By section 1 it is declared "that no person shall sell, offer for sale or keep for sale in barter or exchange for goods in the District of Columbia any intoxicating liquor except as hereinafter provided."

Section 2 constitutes the three Commissioners of the District a board of excise, whose duty it shall be to pass upon all applications for licenses to sell intoxicating liquors, and whose action thereon shall be final and conclusive, and such board is clothed with power to make such rules and regulations for carrying into effect the act as they may deem requisite and proper.

Section 4 prescribes the mode and manner of making the application for the license, the facts essential to entitle the applicant to obtain the license and the manner of verification of such facts, and by section 5 every applicant for license to keep a bar room within the definition of the act is required to obtain and present with his application the written permission of a majority of persons owning real estate and a majority of the residents keeping house in the immediate vicinity of the location of such bar room. And by section 6 it is provided that under the license issued in accordance with this act no intoxicating liquors shall be sold, given or in any way disposed of to any minor or intoxicated person, or to an habitual drunkard, nor to any person who is in the habit of becoming intoxicated, if such person's wife, mother or daughter shall, in writing, request that the saloon keeper shall not sell to such persons above the age of sixteen years, or between 12 o'clock midnight and 4 o'clock in the morning, during which last named hours, and on Sundays, every bar room and other place where intoxicating liquors are sold shall be kept closed and no intoxicating liquors sold.

Section 7 provides that no license shall be issued for a longer period than one year and section 8 declares that all licenses authorized by the act shall be of two classes, wholesale liquor licenses and bar room license. The fee for a wholesale license shall be $250 per annum, and for a bar room license the fee shall be $400 per annum. And by section 9 every person receiving a license to sell under this act shall frame it and keep it exposed under glass in some conspicuous place in the room where the liquor is sold.

Section 12 prescribes penalties and declares that any person doing business or selling liquor "without first having obtained a license to do so, as herein provided, or any person who shall engage in such sale in any portion of the District where the sale thereof is prohibited, upon conviction thereof," shall be fined not less than $250 nor more than $800, or be imprisoned in jail or the work house for not less than two months nor more than six months; and upon every subsequent conviction, in addition to the pecuniary penalties just mentioned, the party shall be imprisoned in the work house for not less than three nor more than twelve months. And by section 13 it is provided that any person having obtained a license under this act who shall violate any of its provisions shall, upon conviction thereof, be fined not less than $50 nor more than $200, and upon every subsequent conviction of like offense, during the running of the license, shall be fined a like amount, and, in addition to such fine, shall pay a sum equal to 25 per cent of the amount of fine imposed for the offense immediately preceding, and have his license revoked; and on non-payment, shall be imprisoned. Section 14 prescribes punishment of those convicted of aiding and abetting the violation of the provisions of the act, and section 17 declares that all applicants who have had licenses during the preceding year "shall apply for a renewal of such license on or before November 1 of each license year and shall be permitted to continue business until license shall be granted or refused by the excise board, but in all cases of refusal to grant license such proportion of the license fee as may have become due shall be deducted and retained from the sum deposited therefor as the time from the 1st of November to the date of such refusal bears to the entire license year."

CANNOT EXIST TOGETHER.

These several provisions of the act of Congress, if there were no more explicit provision or declaration to be found in the act up on the subject of the repeal of prior legislation, are sufficient to make it clear beyond doubt that all pre-existing legislation authorizing the grant of licenses for the sale of intoxicating liquor in the District was entirely supplanted and by necessary implication repealed. The act of Congress devises and provides for the enforcement of a complete system of liquor licenses, in no manner dependent upon the provisions of any prior system. No prior legislation authorizing the grant of licenses can stand or coexist with the act of Congress, the latter act being exclusive. Two entirely different systems founded in different policies, and where the licenses are granted upon different terms and conditions, and the entire system enforced under different sanctions, cannot, in the nature of things, be executed together. As we have seen, the terms and conditions upon which licenses are authorized by the act of Congress to be granted, the agency authorized to act upon applications for and to grant or refuse licenses, the fee for the licenses, the fines and penalties prescribed for violations of the law and the restrictions upon the use of the license, are all essentially and most radically different from the regulations prescribed by the pre-existing law.

THE SEVENTEENTH SECTION.

It is urged, however, that the seventeenth section of the act of Congress recognizes the continued existence of the licenses granted under the prior law, and that, by implication, such licenses should be maintained for the full period for which they were granted. But it is plain, to my mind, at least, that the provisions of that section apply only to the licenses granted under the act of Congress and not to those granted under the prior law. As a matter of convenience and necessity the license must have a terminal point in time, and that point was fixed in the act of Congress in accordance with what had been the terminal point of time in the previous law, but with no purpose of adopting the prior licenses issued under that law. The right of renewal excludes the idea that it is of a license issued under the former system, such license being quite a different thing from that issued under the act of Congress, and therefore it cannot be supposed that such license was intended to be made anew and to have new life imparted to it under the new law. The whole scheme and policy of the new law is entirely inconsistent with any such construction. Indeed, it is only necessary to read the seventeenth section in connection with the eighth section of the act to be convinced of the unsoundness of the contention of the plaintiff in error upon this point. Moreover, it is very clear that the penalties and punishments prescribed for the violation of the provisions of the act of Congress could not be applied and enforced for the violation of the provisions of the pre-existing law, wholly different in its provisions and policy; and upon the concession that the act of Congress takes effect from the date of its approval, the consequence would be, upon the theory of the continuation of the former license, that there could be no punishment for any, even the grossest, violations of the license system by a party acting under such formef license. This certainly was never intended.

It has also been urged in argument for the plaintiff in error that upon the theory of this prosecution there could be no licenses issued for the sale of liquor in the District before the 1st of November next, and that, consequently, the entire business of the liquor traffic in the District would be suspended until that time. But that is not correct. It is true, with the repeal of the prior license law all the licenses issued under that law would necessarily cease to exist and would no longer protect the holder.

LICENSES ISSUED AT ANY TIME.

But the act of Congress contemplates the issue of license at any time from the date of its passage, to terminate with the succeeding 31st of October. The whole matter can be, and has been, duly regulated by rules and regulations adopted by the board of excise commissioners, who are authorized by the second section of the act to make such rules and regulations, and under those regulations parties may obtain licenses at any time upon compliance with the law and satisfying the Commissioners that the license ought to issue.

In what has been said the object has been to show clearly and distinctly that all of the provisions of the prior law authorizing the grant of licenses to sell liquor in the District have been repealed by necessary implication by the passage of the act of Congress of March 3, 1893; that the provisions of the two systems are wholly incongruous and cannot stand together; and that there is nothing to justify the contention, by the plaintiff in error, that a license granted under the former or pre-existing license system can be maintained and allowed protective force under the present license system as declared by the act of Congress.

But Congress, as if to remove all possible ground for question or doubt upon the subject, by the 21st section of the act has expressly declared "that this act shall be in lieu of and a substitute for all existing laws and regulations in the District of Columbia, in relation to the sale of distilled and fermented liquors in the said District, and that all laws or parts of laws inconsistent with this act, except such laws as are applicable to the sale of liquor within one mile of the Soldiers' Home, be and they are hereby repealed."

COMPREHENSIVE AND UNEQUIVOCAL.

Terms more comprehensive and unequivocal in meaning could not have been employed to declare the purpose of Congress to repeal all former laws authorizing the issue of licenses to sell liquors in the District; and with such repeal, as the necessary consequence, to revoke all unexpired licenses issued thereunder; and it is not for this court to restrict the plain meaning of the language of the statute, or to attempt to avoid the force of it, to relieve what would appear to be a hardship or injustice to individuals. For whatever injustice or hardship may be inflicted by the legislation in question redress must be sought of the proper power to grant relief; this court has no power over the subject. We must take the law as we find it written and give it effect according to the plain language employed. And to do that in this case leaves no alternative, according to my judgment, but to affirm the judgment of the Police Court.


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### SURPRISED AT THE DECISION.

**Judge Miller's and Attorney Pugh's Views of the Case.**

When the decision in the Bush case was announced, the news soon reached the Police Court, and perhaps the most surprised and disappointed man was Judge Miller, who had passed upon the case in the first instance. Judge Miller went over the case thoroughly and gave an explanation of each point raised, and said he had felt certain, in view of the many authorities produced by Mr. Pugh, that the Court of Appeals would sustain his decision. While the judge was surprised he was satisfied, with the dissenting opinion of Judge Alvey in that it sustains the decision rendered when the case was disposed of in the Police Court.

Judge Miller, however, declined to express any opinion regarding the decision.

Mr. Pugh, the assistant attorney for the District, who conducted the prosecution, said to a STAR reporter: "In view of the decisions from New York, Nebraska, Indiana, Maryland and the state of Georgia I am very much surprised at the decision in the now famous case. This case was brought for the purpose of determining whether or not the liquor traffic was under any legal restraint. In view of the act of Congress there was some doubt expressed by persons interested in the sale of liquor as to the operation of the new law. The principal question was whether the holders of licenses under the old law was subject to the regulations under that law, or whether they were placed under the new regulations, and it was the settlement of this question that was desired.

"I have not yet read the decision, but I am satisfied that the opinion of Judge Alvey expresses the legal status of the case and is in accordance with the decision of every state heretofore passing upon this question, with the exception of Ohio."

### AT THE DISTRICT BUILDINGS.

**How the Opinion in the Bush Case Complicates Affairs.**

The news of the decision in the Bush case was given to the Commissioners this morning by a STAR reporter. It was the first intimation they had received that the case had gone against the District. Shortly afterward Attorney Thomas came in and explained the decision. He said he was very much surprised and could not understand how such a conclusion could be arrived at.

This decision puts the Commissioners in a labyrinth of difficulties and brings about a most complex condition of affairs. Auditor Petty was sent for and had a long interview with the Commissioners relative to refunding the money paid in by the liquor men under the new law. He assured the Commissioners that the money could all be refunded in a short time. The dealers, however, will be paid by a pay roll, the same as the clerks are paid off.

This afternoon Mr. Frank Madigan appeared before the Commissioners and made several propositions concerning the disposition of old licenses. He asked whether a man who had surrendered his old license would be allowed to continue under his new license if he so elected. The Commissioners thought he could.

The District will suffer considerably by this decision, as over $100,000 has been paid for these new licenses.

The Commissioners do not care to discuss the decision until they receive an official copy. Commissioner Parker, however, remarked that it was a good thing to put this large amount of money into circulation again.

### THE PARACHUTE WOULDN'T WORK.

**Charles Y. Richmond, a Balloonist, Loses His Life.**

Charles Y. Richmond, an aeronaut, made a 3,000-foot ascension yesterday and lost his life at Cochrane Park, a picnic ground on the Delaware near Trenton. Nearly 4,000 persons witn