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PROHIBITION AND COMPENSATION. That is a most interesting phase of the prohibition question which has just been before the supreme court of the United States. It has generally been conceded that prohibitory laws are not unconstitutional in the usual application of the term; that is, that they are not acts whose passage is an excursion beyond the legitimate boundaries of the legislative power.

It does not appear on what grounds the justice of this conclusion can be questioned. If we admit the power of the state to prohibit, though the existence of such a power does not prove any corresponding right of the majority over the personal liberty of the minority, we have not yet arrived at any principle which justifies the confiscation of private property by public act, without compensation. The wholesaler and the retailer by the principle of the decision, are not materially injured. They are permitted to dispose of stocks on hand at the time the law goes into effect. If they choose, in full view of its prohibitions and penalties to replenish their stores, then they and not the public are responsible for the losses that follow confiscation. Their buildings and appliances can be turned to other uses. There is no destruction of private property as far as they are concerned. With the distiller it is very different. He has engaged in a business which has been held legitimate in all nations and under all governments from the beginning of history. In manufacturing distilled or malt liquors he exercises a simple common law, subject only to the supervision of the state. The state, by exercising regulative powers, has given an implied sanction to the business. Acting on this clear permission, he puts a large amount of capital into a building constructed for and adapted to this particular purpose, and fills it with costly machinery which is absolutely valueless for anything but the manufacture of stimulants. After a while this has been done, when thousands of dollars have been put into a plant, a majority vote declares his business immoral and therefore illegal, and commands him to discontinue it. He has as clear an equitable right to compensatory damages as has the man whose land is taken for a

railroad right of way, or the owner of a block upon which the public wish to erect a building for public uses. The principle seems to be exceedingly clear. There is no apparent ground upon which the supreme court can fail to uphold it. But it will, perhaps, make a trifle more serious business out of prohibitory legislation, when every prohibition law or amendment must be accompanied by an appropriation bill, directing payment by the state of such damages as the act may entail upon the private citizen.—Pioneer Press.

LOOKING AFTER LOST CARS. A Product of Railroadng by Which Track is Kept of Rolling Stock. Car chasers are among the most important employees of the great trunk lines of railroads. The title exactly describes their business. On some railroads they are called traveling car agents. The department head who employs them is also called variously the car agent, the car accountant or the superintendent of rolling stock. These officials have as many as a dozen assistants on some of the great roads, nine or ten being clerks at \$30 or \$40 a month, and the rest being chasers, who travel all over the country on free passes hunting up missing cars, and who receive \$120 or \$100 a month and expenses.

Great railroads have immense numbers of cars. The Central railroad of New Jersey has about 85,000 of all sorts; the Pennsylvania railroad, 60,000 or 70,000. These cars are at the present moment in every state in the Union. They go wherever the freight with which they are loaded is billed to, and thus are scattered from Winnipeg to Mexico and Los Angeles to Bangor. A most minute and thorough system, obtaining on all railroads except the very smallest, records every movement of every car. The system operates at all junction points, where the agents record the ownership and number of every car that passes from their road to a connecting line, and immediately notify the roads whose cars are thus in motion, as well as the car accountant of their own road. These notifications are made by postal card. In each general office car account books are kept, and the movements of the company's own cars are recorded from day to day. Whenever a loaded car is emptied on a foreign road that road uses it to carry a load of freight back in the direction of the road to which the car belongs. It pays at the rate of seven-eighths of a cent a mile for this use of its neighbor's property in this way, and if it should happen that there was no freight to be shipped in that direction within a reasonably short time the empty car is sent along and mileage is paid on it as if it were laden.

It is when a number of cars are lost sight of that a traveling agent is sent out. Sometimes it happens that the cars are on little branch roads idle and overlooked, sometimes they have fallen into the hands of a company that is short of cars and full of business, and is using every foreign car it can get, and sometimes other equally simple causes delay it. If it is in use by a company short of cars, that company pays mileage on it, until it sometimes happens that a car is worn out and paid for before it is returned, or else it is never returned at all. If a car chaser demands the return of his company's cars, they are sent home, but when others are seized and put to use when his lack is turned and he is traveling elsewhere. If a car is smashed up in a railroad accident it is either rebuilt, a new one is made, or the price of the car is paid to the owners by the company on whose track the smash up occurred. Every contingency is provided for in the system that has grown up among the great roads. Recently the master car builders of the country agreed on a set of schedule of prices for every conceivable damage to cars, and the result is going to be that the rolling stock of all the roads will grow more and more uniform in style and quality, since it is agreed that only serviceable parts shall be put on cars that need mending, no matter how expensive and fanciful those parts may have been originally.—New York Sun.

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SUMMONS. In the District Court of the Fourth Judicial District of the Territory of Montana, within and for the County of Custer.

Action brought in the District Court of the Fourth Judicial District of the Territory of Montana in and for the County of Custer, and against E. A. Newton and E. A. Whitney, defendants.

The People of the Territory of Montana, greeting to E. A. Newton and E. A. Whitney, defendants. You are hereby required to appear in an action brought against you by the above named plaintiff, in the District Court of the Fourth Judicial District of the Territory of Montana, in and for the said County of Custer, and to answer the said complaint filed therein, within ten days (exclusive of the day of service) after the service on you of this summons; if served within this county, or if served out of this county, but in this district, then within twenty days; otherwise within forty days; or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to recover the sum of \$500 for taking care of and feeding about 40 head of stock cattle branded "N" on both hips, alleged to have belonged to C. E. Newton, on which E. A. Whitney is the owner and holder of a certain chattel mortgage in the year of 1886. The said Whitney for the purpose of foreclosing the said mortgage upon said stock caused C. E. Newton, the sheriff of said county, to seize the said property under and by virtue of said mortgage. That while the said mortgage property was so in the possession of said sheriff he the said sheriff did on the 4th day of August, 1886, request the plaintiff to take the said cattle from him the said sheriff and keep, feed, care for and pasture the said cattle. The said plaintiff did take the said cattle on the 4th day of August, 1886, and ever since that time has kept possession of said cattle and taken care of them in Custer county, Montana Territory. Plaintiff demands that he may be deemed to have a lien upon said cattle as will more fully appear by reference to the complaint on file herein.

And you are hereby notified that if you fail to appear and answer the said complaint, as above required, the said plaintiff will apply to the court for the relief demanded in the complaint. Given under my hand and the seal of the District Court of the Fourth Judicial District of the Territory of Montana, in and for the said County of Custer, this 28th day of [blank] October, in the year of our Lord one thousand eight hundred and eighty-seven.

JAMES McFARLANE, Clerk. J. W. STREVELL, Attorney for plaintiff.

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