

SANT PAUL. THE BIG FOUR AT TOP.

Judge Nelson Declares the Meat Inspection Law Un-constitutional.

It Prevents the Free Traffic Necessary Between the States.

Belief Prevails That the Big Four Will Ship Meat at Once.

Opinions of Local Packers and Meat Men on the New Situation.

The meat inspection law passed at the last session of the state legislature is declared unconstitutional by Judge Nelson, of the United States circuit court.

OPINION BY JUDGE NELSON.

The Law Interrupts Free Traffic Between States—Not Necessarily a Police Regulation.

After giving a brief summary of the inspection law under which the original action was brought, and a review of the arguments presented by the attorneys, Judge Nelson says:

"By its title the act purports to be for the protection of the public health, and it is argued that upon its face it does not deal with commerce and does not directly invade the domain of interstate commerce, but merely the domain of interstate sale of an article of commerce after it has become a part of the mass of the property of the state.

The states, as I said, are clothed with plenary police power and large discretion in its exercise for the protection of public health and order, and in order to determine whether the act of the state is really a usurpation of power, the courts are requested to look at the effect and operation of the law, and not to be bound by mere form.

Whether it be the nature and extent of the power, whether it be retained, no definition and no urgency for its use can authorize a state to use it in its regard to a subject matter which has been exclusively reserved to congress by the constitution.

tempted regulation of such commerce and an invasion of the power exclusively conferred upon congress, and its non-compliance with any particular commodity is a declaration of its purpose that the commerce in that commodity shall not be regulated by the state.

There is no difference in effect between the power to prohibit the sale of an article and a such as prohibit its production. The one would be a necessary consequence of the other. Commerce is interstate. It is the most ordinary incidents of traffic. It is inconceivable that the power to authorize interstate traffic, when given in the most comprehensive terms with the intent that its efficiency should be complete, should cease at the point where its continuation is indispensable to its value.

THE UNLIMITEED POWER OF THE STATE TAX, nor any of its police powers, can be exercised to the extent as to work a practical assumption of the powers conferred upon congress.

While a state may pass sanitary laws, while it may prevent persons and animals suffering under contagious diseases from entering the state, and may not interfere with transportation into or through the state beyond what is absolutely necessary for self protection, the state cannot trench upon the power of congress to regulate interstate commerce to go to the extent of prohibiting the interstate sale of a commercial commodity. A state may exclude any article of commerce from its territory, but this law excludes the importation of meat, and declares it unfit for human food under the guise of a health regulation.

SOME LOCAL VIEWS.

The Case Will Be Appealed—Dressed Meat Will Be Shipped In.

There was little surprise, but much comment, about the city when the opinion of Judge Nelson became known. Local packers claim there had not been sufficient time for the proper presentation of their case, and from that cause it went against them, C. L. Haas, the Minnesota Transfer packer, said:

AT THE LOWER STOCK YARDS. Packers Express Themselves Variously on the Judicial Opinion.

Judging by the actions of the live stock men at South St. Paul yesterday afternoon, it was evident that they expect a marked decrease in their business in case dressed beef is shipped here from Omaha, Chicago and elsewhere, in view of the decision rendered by Judge Nelson, of the United States circuit court.

Interviews with these stockmen gave a GLOBE reporter the following views: William Thuet, of Thuet Bros., The decision of the court is a disaster to us, and we shall act accordingly, but will stick to it just the same. A good many of those who ship here, are doing their trading in St. Paul. They all add to the growth of these cities, and I would hate to see them have to take their business elsewhere.

Charles Fitch, president of the Live Stock Association—Since the law became effective, fully forty home slaughterers in and near the twin cities have entered upon or increased their business, and the Big Four have retired. The latter may begin again, and it will stir up a business fight such as has never before been known in the state.

be pleased to take their chances in this matter. I can say further that, although the inspection law has been in operation for some time, it has never been cheaper here at wholesale than it has been of late. I have not been around to the butcher shops to know what they are doing, but I think the same statement could be made regarding them. As to the quality of the meat, all grades are offered, and the butchers choose to buy the lowest-priced stuff simply because they can argue it upon their customers and thereby make more profit, then the blame for such business rests upon them.

THE HIGHEST PRAISE. "I am a Presbyterian clergyman and a Doctor of Divinity, but I am not afraid to recommend Duffy's Pure Malt Whisky as the purest and most efficient preparation as a medicine. I know of, and my preference is a large one."

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MR. GEORGE LEAROCK. A Most Excellent Organization, in the Following Grand Repertoire:

MISS FLORENCE BINDLEY. In "THE DOT!" Seats on sale at Egan's jewelry store, Kolf's waiting stations and box office.

ARMORY--HALL, COMMENCING ON Monday, the 23rd inst.

PEOPLE'S CHURCH. Thursday Night, Sept. 26, 8 O'Clock. FAREWELL CONCERT.

ST. PAUL MUSEUM. Week of Sept. 23. 11 SAMOAN WARRIORS 11

BASE BALL! THIS AFTERNOON. St. Paul vs. Omaha!

CHEAT FURS. Furs are but little good. It pays to get the best, and you can do that at the cheapest at our store.

FACTS AND FANCIES. Hotel St. Louis Trains. On and after Tuesday, Sept. 17, the Chicago, Milwaukee & St. Paul Railway will run but one train a day to and from Lake Minnetonka, leaving St. Paul at 8 p. m., Minneapolis at 5:30 p. m., and leaving Minnetonka at 7:30 a. m.

ANNOUNCEMENTS. ORDER OF CHOSEN FRIENDS--St. Paul Council No. 2 meets every Thursday at Rebecca lodge room, Old Walker's block, Arthur Sweaver, M. D. Conductor, J. B. Mosher, secretary, with Field, Mahler & Co.

DIED. VANDERPOOL--In St. Paul, Minn., Sept. 23, 1890, William H. Vanderpool, thirty-eight years, funeral today, Sept. 24, 1890, from King Street Methodist church, at 2 p. m. Friends are invited. Waukegan, Wis. papers please copy.

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\$22--A GENTS HUNTING, DEUBER filled case watch, stem wind and set, Elgin movement, quick train, cut expansion balance, safety pinion, handsome engraved Louis XV. box cases, guaranteed to wear twenty years. No. 362.

\$34.50--A GENTS HUNTING GOLD watch, Elgin full-jeweled movement, stem wind and set, Elgin movement, full top and bottom engraved cases, new worn but a short time and cannot be told from new. No. 201.

\$67.50--A PAIR OF DIAMOND EARRINGS, two stones, absolutely white, weighing six carats; finely cut, brilliant and no flaws or blemishes; neat earring gold mountings. No. 3567.

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