

A BIG LEGAL FIGHT

Soon to occur in the Supreme Court Over the Anti-Lottery Law.

FREEDOM OF THE PRESS IN IT.

Line of Arguments to be Followed by Defendants' Counsel.

THE POWERS OF CONGRESS DEFINED.

FROM A STAFF CORRESPONDENT.

WASHINGTON, April 24.—As Attorney General Miller is covalescing it is expected that what are known as the "freedom of the press cases," which involve the question of the constitutionality of the anti-lottery law, will be heard by the Supreme Court soon.

Mr. Haines Taylor, the author of a volume entitled "The Origin and Growth of the English Constitution," will also represent the Register. The States will be represented by Hon. Thomas J. Semmes, the leader of the New Orleans bar, and James C. Carter, Esq., a leading attorney of New York.

Mr. Taylor, in outlining his argument to representatives of the press to-day, gave an interesting account of press censorship in Great Britain, and followed with his conclusions based on present laws and practices.

Great English Legal Fight. "Down to near the close of the last century," he said, "it was an open question in England whether a trial for criminal libel the criminality of the subject was a question to be determined by the Judge or the Jury. This controversy led to the great fight in Westminster Hall, in which the right of the Judge to settle the question was asserted by Mansfield and the right of the Jury by Erskine.

This controversy, which began in 1764, continued down to Mar. 1791, when Mr. Fox introduced the bill which he declares that the right in question belonged to the Jury and not to the Judge. The freedom of speech and the press in England means therefore nothing more than that no man can be punished for an utterance or a publication until the guilt of the subject matter of the same has been ascertained by a Jury of his peers.

The first amendment was adopted just six months after Mr. Fox's bill act was introduced, and is nothing but an echo and embodiment of that great measure. Freedom of the press in America is, therefore, just what it is in England. No American citizen can be punished in any form on account of any publication made or sent in his own country until the criminality of the subject-matter of the same has been ascertained by a Jury of his peers.

The Question of Immorality. "This is well illustrated by the Federal statutes, which provide that any person who sends an immoral book through the mails shall be punished a year by the courts. The Department with a broad smile of acquiescence, but the Assistant Secretary says as he smiles: "There are my instructions to Mr. Clark; let the lottery companies get over their heads. I assume that the value of a lottery ticket is what it will sell for, and they have a fixed price. On that a duty of 25 per cent shall be charged."

The only decision which bears the faintest relation to this case was one rendered a few years ago by Assistant Secretary Maynard, in the Treasury Department with a broad smile of acquiescence, but the Assistant Secretary says as he smiles: "There are my instructions to Mr. Clark; let the lottery companies get over their heads. I assume that the value of a lottery ticket is what it will sell for, and they have a fixed price. On that a duty of 25 per cent shall be charged."

Another Phase of It. There is a great diversity of opinion about the matter in the Treasury Department, but, of course, the Assistant Secretary's instructions will stand till they are upset. Collector Clark was telegraphed to-day, and, doubtless, something will be heard very soon from the other end of the line.

Another phase of the case may come up under the new copyright law. The lottery ticket is copyrighted, and, if Mexico accepts the terms of the new copyright law, the matter of reciprocity, the tickets will probably have to be admitted free of duty. Nearly all of the stock of the Juarez Company is held in the United States. Colonel Mosby, of Confederate guerrilla fame, is the manager, and Russell Harrison has been said to have an interest in it.

The decision of the department will affect not only the Mexican companies. Other foreign companies in Italy and Austria each send hundreds of thousands of dollars worth of lottery tickets to this country, and principally among Germans and Italians, and vigorous protests will be heard from various quarters of Europe.

A RAFFISH Down the Allegheny. Illustrated from photographs, is L. E. Stoeber's contribution to the 24-page issue of THE DISPATCH to-morrow. It interests everybody, lumber men in particular.

TO-DAY. New Neckwear—Hundreds of Dozens Here—25 cents, 50 cents, 75 cents—a big assortment—London and New York styles. JOS. HORNE & CO., 609-621 Penn. avenue.

You Can Save Money On clothing for your children at Guskys' to-day (Saturday). Two special lines of short-pant suits in all-wool chevrons, which are remarkable value for the money. One at \$1.50 and another at \$2.75.

NEBEKER ON HAND. The New Treasurer of the United States Arrives in Washington. WASHINGTON, April 24.—Hon. Eos Nebeker, of Indiana, recently appointed United States Treasurer, reached Washington this morning. Later in the day he called on Secretary Foster, with whom he had a brief interview. Mr. Nebeker filed his bond for the faithful performance of his duties. He will not, however, enter upon the duties of his office till the depository banks make their settlements on Saturday.

Secretary Hallford's Vacation. WASHINGTON, April 24.—Elijah W. Hallford, Private Secretary to President Harrison, left for New York this morning. He will sail for Europe to-morrow. Mr. Hallford is accompanied by his daughter, Miss Jeanette. They will be absent about six weeks.

LOTTERY TICKET DUTY.

A REMARKABLE DECISION FROM THE TREASURY DEPARTMENT.

Tickets Shipped into the Country by a Mexican Lottery Company Must be Assessed 25 Per Cent Ad Valorem—Some Fine Points Involved.

(FROM A STAFF CORRESPONDENT.)

WASHINGTON, April 24.—One of the most remarkable decisions that has issued from the Treasury Department for a long time was that given to-day in answer to an inquiry made by Frank Clark, collector of customs at El Paso, Tex. El Paso, on the Rio Grande, is the chief port for the entry of goods from Mexico in the United States. It seems that large quantities of tickets of the Juarez Lottery Company, Mexico, have been shipped into the United States by express, or as freight, not being admissible through the mails.

It seems that large quantities of tickets of the Juarez Lottery Company, Mexico, have been shipped into the United States by express, or as freight, not being admissible through the mails. The opinion stopping there, and was shaped submitted to Assistant Secretary Spaulding, who, after thinking a moment, made a sentence that will make some of the friends of the companies which have been shipping lottery tickets. It was this: "Duty should be assessed at the rate of 25 per cent ad valorem."

The construction intended to be put upon this by the collector, is that 25 per cent of the face value of the tickets shall be charged, which would, apparently, have the effect of preventing the lottery companies from sending their tickets through the Custom House. In other words they would smuggle them across, and a relay of "coast guards" would be necessary to prevent the smugglers. But the decision involves a delicate point at law, that will probably be taken to the courts. At the very least it is probable the Secretary will be asked for an explanation of the law in more elaborate form.

The provision of the tariff act that all printed matter, not otherwise specially provided for, shall pay a duty of 25 per cent ad valorem, was hardly intended to apply to lottery tickets. At least such an application was never contemplated. The printed matter known to the lawmakers was mere commercial printing, that could be classed as ordinary merchandise. While lottery tickets are in a sense merchandise, they are certainly not the sort of merchandise contemplated by the law.

Value of a Chance. Intrinsically a lottery ticket is only worth a fraction of a cent, and the question is whether the duty should be imposed on its value or on a fictitious value that it has as a "chance," and a very small chance, in a lottery. All these things are admitted at the Treasury Department with a broad smile of acquiescence, but the Assistant Secretary says as he smiles: "There are my instructions to Mr. Clark; let the lottery companies get over their heads. I assume that the value of a lottery ticket is what it will sell for, and they have a fixed price. On that a duty of 25 per cent shall be charged."

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EDGAR L. WAKEMAN writes a charming letter from the English Lake District for THE DISPATCH to-morrow. A month's paper for every class. 24 pages.

Don't Fail to See The values we shall offer to-day, Saturday, in a line of all-wool checked sport-suits at \$2.75. Your choice in colors from light to dark, and the quality has never been equaled in this city. GUSKY'S.

MARRIAGE LICENSES GRANTED YESTERDAY.

Name. Residence. Henry Wells Allegheny City. Mary Dwyer do. John Tazulinsky McKeesport. Mary Vandy do. Richard Hesterman Allegheny City. Mary Rapp do. Mary Starsted Pittsburg. John Grethlein do. Sophia Kerevich do. Martin Spohn do. David Melviken Allegheny City. Maria McKay do.

DIED.

ALBERTSON—At the parents' residence, 419 Wylie avenue, on Friday, April 24, 1891, at 7 P. M., ESTHER MARGARET, of convulsions, 10-month daughter of George H. and Margaret Albertson, aged 1 year and 8 months. Notice of funeral hereafter.

BEAUX—On Wednesday evening, EDWARD L. BEAUX, in his 85th year. Funeral services at Hotel Anderson, SATURDAY, April 25, 10 o'clock. Burial at Westlawn, O. SATURDAY AFTERNOON.

BRUNT—On Friday, April 24, 1891, at 11 P. M., Mrs. ANNIE LUELLA, wife of William H. Brunt, aged 49 years. Funeral services at the Castle Shannon M. P. Church, on SUNDAY, at 2 P. M. Friends of the family are respectfully invited to attend. Train leaves Pittsburg at 12:30. Interment private.

CHAPLIN—On Wednesday evening, April 22, 1891, at 9:15 o'clock, JOSEPHINE BURGWIN, wife of Charles W. Chaplin, and beloved only daughter of Oliveria and the late Colonel Clifton Wharton, U. S. A. Funeral services at 188 Fayette street, Allegheny City, on SATURDAY AFTERNOON at 2:30 o'clock. Interment private.

DAY—At Sewickley, April 23, 1891, HENRY CHANTLER, daughter of Wm. and M. V. Day, aged 5 months and 25 days. Funeral on SATURDAY MORNING.

DELENGER—On Friday, April 24, 1891, at 6:30 P. M., ANNA M., daughter of G. C. and Anna M. Hots-Delencenbach, aged 20 years and 10 days. Funeral from the residence of the parents, No. 161 Third street, Allegheny, on MONDAY, 27th inst., at 2 P. M. Friends of the family are respectfully invited to attend.

DILLON—On Thursday, April 23, 1891, at 4:40 A. M., LUKE DILLON, aged 72 years. DOHERTY—On Thursday, April 23, 1891, at 10 A. M., COLLEEN, daughter of the late Patrick and Ellen Doherty.

DORAN—At Wilkingsburg, on Friday, April 24, 1891, at 10:30 A. M., JOHN L., third son of Patrick and Mary H. Doran, aged 12 years and 29 days. Funeral services at St. James' Church, Wilkingsburg, on SUNDAY, April 25, at 2 P. M. Interment at St. Mary's Cemetery.

FARRILL—Friday, April 24, 1891, at 2 P. M., MARY ANN FARRILL, daughter of St. Andrew's Church, Beaver avenue, Allegheny, SATURDAY, at 2:30 P. M.

GRUSSEK—On Thursday, April 23, 1891, at 8:30 P. M., JOHN, son of Lawrence and Rosa Grussek, in his 15th year. KEINER—On Friday, April 24, 1891, at 4:29 A. M., MARY, daughter of Peter and Elizabeth Keiner, aged 74 years and 12 days. Funeral SUNDAY, April 26, at 2 P. M. Friends of the family are respectfully invited to attend.

KOUNTZ—On Friday, April 24, 1891, at 9:30 A. M., KAYLA M., daughter of Frederick and Annie Kountz, aged 74 years. Funeral from the late residence, No. 100 Colman street, on MONDAY MORNING, April 25, at 10 o'clock. High mass of requiem at St. Paul's Cathedral at 9 A. M. Friends of the family are respectfully invited to attend.

LEIGH—At the residence of William M. McBride, Jack's Run, P. F. W. & C. Railway, MARGARET LERICI, in the 85th year of her age. MCCARTHY—On Thursday, April 23, 1891, at 1:15 P. M., JULIA, relict of the late Timothy McCarthy, aged 76 years. Funeral from her late residence, No. 32 Webster avenue, on SATURDAY MORNING at 8:30 o'clock. High mass of requiem at St. Paul's Cathedral at 9 A. M. Friends are respectfully invited to attend.

MCCOBBERTS—On Thursday, April 23, 1891, at 11:10 P. M., IDA, daughter of Thomas and Maggie McCobbert, in the 11th year of her age. Funeral from her parents' residence, 104 Webster avenue, on SUNDAY AFTERNOON at 2 o'clock. Friends of the family are respectfully invited to attend.

NAIMETH—On Thursday, April 23, 1891, at 6 A. M., GEORGE HERBERT, aged 6 months, infant son of George and Margaret Naimeth. Funeral services SATURDAY, 2 P. M., at parents' residence, Butler street, near Sharsburg bridge. Interment private.

RANKIN—On Friday morning, April 24, 1891, at 7:15 A. M., ALFRED J. RANKIN, in his 52d year. Funeral services at his late residence, No. 22 Western avenue, Allegheny City, on MONDAY MORNING, April 27, at 10 o'clock. Interment private.

NEW ADVERTISEMENTS.

CARPETS, CURTAINS, WALL PAPERS! We Have the Lowest Prices. Tapestry Brussels Carpets \$40c. Body Brussels Carpets, 75c. Oil Cloths as low as 25c.

Arthur, Schondelmyer & Co., 68 and 70 Ohio St., Allegheny. Table Linens, Towels, all grades, from \$2.50 each down to 10c.

Home & Ward, 41 Fifth Ave. Carpets, Curtains, Wall Papers, all grades and widths; 4-4 muslin, bleached, half and unbleached, all grades and prices.

Handsome Woollens, Seersucker Coats and Vests, Mohair Coats and Vests, Flannel Coats and Vests, Serge Coats and Vests, Alpaca Coats and Vests, Blazers.

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