Warehouses vs. Dispensary. | destroy, the ability of the govern-

Commissioner Miller Writes to Secretary Carlisle.

WASAINGTON, Oct. 18.—Secretary Carlisle has forwarded to Attorney General Olney, for his decision, the letter of Revenue Commissioner Miller, which presents in detail the question raised between Governor Tillman of South Carolina and the United States authorities as to the jurisor the South Carolina dispensary law The letter is as follows:

WASHINGTON, D. C., Oct 16, 1894. Hon. John G. Carlisle, Secretary of

the Treasury: Sir: I enclose herewith a letter from Governor Tillman of South Carolina, and a printed copy forwarded by him of the State dispensary law, and I have the honor to request that the same may be submitted to the honorable Attorney General for his opinion as to the course which should be taken by this office in the event of seizures by State officers for confiscation, under the dispensary law, of distilled spirits deposited in distillery bonded warehouses under the internal revenue laws.

It is proper to state that the natural effect of acquiescene by this office in the course proposed to be taken would be the probable complete destruction of the bonded warehouse system within the State; the consequent cessation of the business of manufacturing distilled spirits under the internal revenue laws, and the loss to the United States of further income from that source.

The dispensary law, it appears has been construed by the State Supreme Court as not absolutely prohibiting the manufacture and sale of distilled spirits. But it appears also that under the law a distiller in the State cannot sell his product to private persons within the State, nor, if I rightly apprehend the provisions of the third section, to private persons to be shipped out of the State, but only to the State commissioner or to persons outside of the State and under regulations which would seriously inconvenience the shipper Under such restrictions there would hardly be any further lawful production of distilled spirits within the State. No distiller would be willing to produce an article to be sold only on compulsion to a single purchaser July 18.

and at the price fixed by him.

The question is broadly presented whether a State can so legislate as incidentally to deprive the United States of one of its declared sources of revenue, and it appers to me a proper matter for the consideration of the highest law officer of the government. The Supreme Court in Mc-Cullough vs. Mayland, 4, Wheat, 316., declared that "the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the Constitutional laws enacted by Congress to carry into effect the powers vested to the national government."

that "neither the unlimited powers of a State to tax, nor any of its large police powers, can be exercise so as to work a practical assumption of the powers conferred by the Constitution upon Congress."

And in numerous other cases it has been held to the same effect.

On the other hand, in such cases as the Boston Beer Co., vs. Massachusetts, 97, U.S., 25, the right of the State to absolutely probability the manufacture and sale of intoxicaitng li-

quors was upheld. established law to the present case, it would seem that while the State of South Carolina has the right, in the exercise of its police power to prohibit the manufacture of and traffic in distilled spirits within the State, it is doubtful if it has a right, without prohibiting the manufacture or traffic, to practically take possession of the business in all its details and carry it on, and through its own agencies, for its own profits, thus perhaps forcing the united States to surrender the inthe united States to surrender the income deprived by the source heretofore relied upon. It follows, of course, that if one State may do this, all may, and the police power of the States will have been "so exercised as to work a practical assumption of SUMTER INSTITUTE the powers of Congress, and, to "impede, burden and control the operation of its laws."

You will note that the Governor proposes to recognize the lien of the United States upon the spirits in the warehouses for the taxes due thereon. and to pay the same. The law (section 48 and 50 of the act of Congress, August 28, 1894,) limits the right of withdrawal of spirits from the warehouse to the distiller himself. The State now proposes to personate expenses for the year from \$150 to \$200. the distiller. Such authority has For particulars apply to been denied by United States courts to State officers. See McCullough, jr., vs. Henry Large, U. S. Circuit Court, Western District of Pennsylvania, at the May term, 1894-Justsce Bradley of the Supreme Court con-

It is to be observed also that it frequently happens that a distiller is indebted to the government in a sum greater than the tax upon the spirits themselves then in warehouses Such indebtedness is, by section 3,251 of the Revised Statutes, declared to be a lien upon the property and rights to property of the distiller. Taking spirits by the State in the manner 183 East Bay. proposed might easily impair, if not | Nov. 7-

ment to collect its debt. For my own guidance I wish to be particularly advised whether or not I may lawfully consent to permit the BEST withdrawal of spirits in bonded warehouses in the State of South Carolina upon seizure therein by the State and tender of tax to the collector, or upon judgment of forfeiture by the State court.

Governor Tillman personally requested yesterday an early reply to diction of each in the enforcement his inquiry. He was told, however, that the matter is under consideration and will be disposed of as soon as

> Respectfully yours. Jos S. MILLER, Commissioner.

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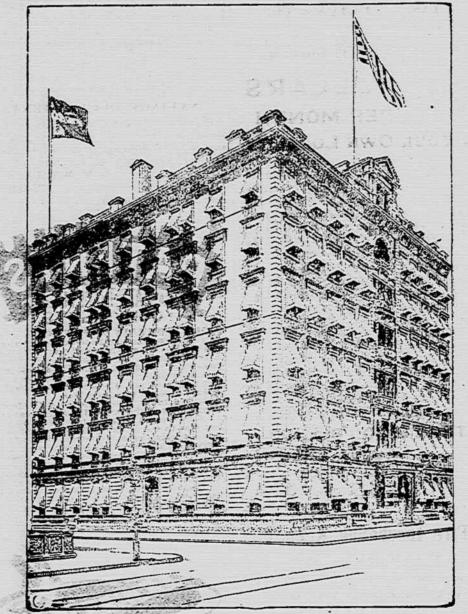
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Lv Charleston S. C. R. R.	7.15 a m		
Lv Augusta	6.50 am		
Lv Columbia	8.35 a m		
Ar Camden			
Lv Camden	1.10 pm	1	
Ar Kershaw	2.10 pm	1	
Lv Kershaw	2.30 pm		
Lv Lancaster	3.45 pm		
Ly Catawha Junction.	4.45 pm		
Ar Rock Hill	5.15 pm		
Lv Rock Hill	5 45 pm		
Lv Yorkville	6.30 pm	11	
Lv Blacksburg	7.45 pm	8.00 a m	
Lv Patterson Springs.	8 04 pm	8.37 a m	
Lv Shelby	8.15 pm	9 10 a m	
Lv Rutherfordion		11.10 a m	
Ar Marion		1 00 pm	
Lv Marion, (R. & D. F	R.)	1.46 p m	
Lv Round Knob, "		2.26 p m	
Lv Asheville, "		4 08 p m	
		PLUS 27-10-	

Ar Louisville, (L & N. R. R.) Ar Cincinnati, (Q. & C.) 7.20 a m SOUTHBOUND .- (Daily except Sunday.) Lv Cincinnati, [Q. & C.] Lv Louisville, [L. & N. R. R.] Lv Knoxville, [E. T. V. & G.] 7.00 p m 8.00 p m 8 00 a m Lv Hot Springs, [R. & D.] 12.44 p m

5.36 p m

8.00 p m

Lv Hot Springs, "Lv Knoxville, (E. T. V. & G.)

Lv Asheville, Lv Round Knob, 2.30 pm 3.52 p m Ar Marion. 4.33 p m Lv Marion..... 4.45 pm Lv Rutherfordton ..... 6.10 pm Lv Shelby...... 6.45 a m 8.23 p m Lv Patterson Springs 6.56 a m 8.39 p m. Ar Blacksburg..... 7.15 a m | 9.06 pm Lv Blacksburg ...... 7.45 a m 9.45 a m Lv Rock Hill...... 10 15 a m Lv Catawba Junction. 11 00 a m Lv Lancaster..... 12 00 p m Lv Kershaw ..... 1.05 p m Ar Camden...... S. C. R. R. 2.00 p m Lv Camden..... Ar Columbia .....

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Ar Augusta...... 12.45 a m

Ar Charleston......... 8 45 p m

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5 20	Lv	Pregnall's	Ar	-	10
5 29	**	Harleyville	u	1	01
5 43		Peck's	"	12	
5 45	"	Holly Hill	"	12	
5 50		Connors	66	12	38
5 57		Eutawville	"	12	31
6 07		Vances	L	12	20
6 22		Merriam	"	12	05
6 33	The state of the s	, St Paul	46	11	54
6 39	17777	Summerton	"	11	48
6 49		Silver		11	39
6 57		Packsville	44	11	31
7 08		Tindal	"	11	20
7 22		Sumter	Lv	1000	05
7 2		Sumter	Ar	107/25/00	02
73		Oswego		5.00	30
7 49		St. Charles	"	0.000,000	38
7 5:		Elliotts	**		28
8 1:		Lamar	- 44	10	
8 25		Syracuse		0.00	02
8 37		Darlington		STEETING .	50
8 51	1	Mont Clare	- "		37
9 02	1000	Robbins Neck	**		27
9 15		Mandeville	***		14
9 29		Bennettsville	-		00
9 36	1	Breeden's	**		53
9 40		Alice			49
	100	Gibson	- 46		37
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10 04, arrive Vances 10 15 a. m. No. 31 going North leaves Vances 12 55 p. m., Millican's 1 05, Snells 1 15, Parlers 1 28, arrive Harlin City 1 50 p. m.

No. 34 going South leaves Harlin City 5 00
p. m., Parlers 5 20, Snells 5 33, Millican's
5 41, arrive Vances 5 55 p. m.

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No. 41 connects with No. 9 at Eutawville No. 8 connects at Hamlet with the famous "Atlanta Special" of the Sea goard Air Line carrying Pullman Sleepers from Washington and Portsmouth and runs solid from Hamlet to Charleston. This train leaves New York 3.20 p. m., Philadelphia 4.41, Baltimore 7.31, Washington 8.30, Richmond 12.23 a. m.

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No. 78 No. 32 No. 52 A. M. P. M. A. M. Le. Ch'n. 3 35 33 30 7 15 ArLanes. 5 40 5 38 8 45 5 40 5 38 Le Lanes. 6 00

Ar Fl'nce \* Daily.
No. 52 runs through to Columbia
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TRAINS GOING SOUTH. Dated Sept. 3. 1894. |No. 55|No. 58 P. M. A. M. Leave Marion ...... Arrive Florence ... \*7 35 Leave Florence. Ar've Sumter ... 8 48 \*10 00 Leave Sumter... ....

Ar've Columbia. ...... No. 52 runs through from Charleston via Central R R. leaving Lane 8:48 A. M., Man-

ning 9:25. A. M. TRAINS GOING NORTH. No. 56 No. 53 A M P M \* 4 36 \* 4 20 Leave Columbia. 5 53 5 45 No. 56 No. 50 5 55 \* 5 55 Leave Sumter ... 7 10 7 05 Arrive Florence..... Leave Flerence Leave Marion ..... 11 10 Arr. Wilmington ...

\*Daily. †Daily except Sunday. No. 53 runs through to Charleston, S. C., viz. Central R. R., arriving Manning 6:22 P. M., Lanes 7:00 P. M., Charleston 8.40 P. M. Trains on South and North Carolina R. R. leave Atkins 9 40 a m, and 6 30 p m, arriving Lucknow 11 10 a m and 8 00 p m. Returning

leave Lucknow 6 45 a m and 4 20 p m. arrivin g Atkins S 15 a m and 5 50 p m. Daily except Sanday. | Trains on Hartsville R. R. leave Hartsville daily except Sunday at 4.30 a. m., arriving Fleyds 5.00 a. m. Returning leave Floyds 8.40

m., arriving Hartsville 9.10 p. m. Trains on Wilmington Chadbourn and Con-way railroad, leave Chadbourn 10:10 a. m. arrive at Conway 12.30 p. m., returning leave Conway at 2.00 p. m., arrive Chadbourn 4.50 m. Leave Chadbourn 5.35 p. m., arrive at Hub 6.20 p. m. Returning leave Hub at 8.15 a m. arrive at Chadbourn 9.00 a. m. Daily ex-

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" St. Matthews 10 07 a m 8 55 p m 10 21 a m " Fort Motte 10 32 a m " Kingville 10 10 p m 11 15 a m Ar Columbia 6 50 a m Lv Columbia 7 57 a m Ar Kingville 5 15 pm " Fort Motte 7 48 a m " St. Matthews " Orangeburg 8 30 a m 8 47 a m " Rowesville 9 05 a m Branchville 951 a m " Georges 10 05 a m " Pregnalls 8 00 p m 10 45 p m " Summerville

11 30 p m Ar Charleston 7 15 a m Ly Charleston, 9 25 a m Branchville, 8 28 p m 9 53 a m Bamberg, 10 08 a m Denmark 8 58 p m 9 17 a m 10 25 a m Blackville 10 43 a m Williston " Aiken 11 27 a m 10 45 p m 12 15 p m Ar Augusta 340 pm 6 30 a m Lv Augusta 7 14 a m " Aiken 7 53 a m 5.09 p m " Williston 8 10 a m " Blackville 8 25 a m " Desmark 8 39 a m " Bamberg 6 45 p m 9 20 a m " Branchville

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