

THE SCOTT LIQUOR LAW

Declared Unconstitutional by the Supreme Court of Ohio.

Three Democrats Affirming and Two Republicans Dissenting—History of the Long Contest—The Effect on Taxes.

COLUMBUS, O., Oct. 29.—The Supreme Court this morning rendered a decision upon the Scott Law, declaring it to be unconstitutional. The case was that of the State, ex rel. George W. Conroy, vs. David Sinks, Treasurer of Miami County, applying for a writ of mandamus to compel Sinks to accept the tax.

The Court refused the mandamus, on the ground of the unconstitutionality of the law. There were few persons present and the Judges went immediately into the consultation room, after the short announcement. Judges Okey, Follett and Owens, the three Democratic members made the decision. Johnson and Mellvaine, the two Republican Judges, dissented. A year ago the vote stood 4 to 1 in favor of the law, Judge Okey the only Democrat dissenting.

The majority of the Court held that the lien clause of the Scott Law is a license law, therefore the whole act is void.

CINCINNATI, Oct. 28.—Thomas McDougal, Attorney for Hamilton County in the Scott Law suits, in an interview to-day, said:

"After the passage of the law the Supreme Court was composed of four Republicans and one Democrat. That court decided the law to be constitutional. In 1883 the court was composed of three Democrats and two Republicans. Two cases came up before it, one from Cleveland and one from Hamilton County. The majority of the court, the three Democrats, decided in the Hamilton County case that the petition did not warrant the court in passing upon the question of constitutionality. The Republicans dissented, but united in confirming the judgment of the court below that it was constitutional. The Cleveland case came up last May, involving two questions, first, the constitutionality of imposing a money burden on the traffic as an evil; second, its constitutionality as a lien on the building or property. The Democrats decided the lien unconstitutional, because it was in substance a license; Republicans dissenting.

"Until the opinion that has now been given by the Democrats is given in full, it is impossible to tell the grounds on which it is based. Whether it denies the power to impose a tax upon the traffic as an evil, or whether the form in which it is done by the Scott Law is unconstitutional.

"The financial effect of the decision is apparently disastrous. All the money paid in this year will have to be refunded, and no more can be collected. As to the \$2,000,000 or thereabout paid in last year, the question remains for settlement, whether the statute limiting suits for recovery to be commenced within one year will apply. This will depend upon whether the amount paid shall be decided to be a tax or an assessment, or neither. If a tax, the limitation applies, if an assessment, it may be recovered from the county, and if neither, then the question is unsettled whether or not the county will be required to refund.

"The amount involved for Hamilton County is a little over \$400,000 for last year and the same for this year. So that if compelled to refund, provision must be made for \$800,000. But unfortunately the revenue from the sixteen mills levy which Hamilton County is permitted to make is already exceeded, and a suit in mandamus is now pending by the Board of Education to compel the Auditor to place her four mills on the tax duplicate. The police fund, the County Infirmary, and probably the Work House, and in part the health department, are, I understand, dependent on this fund. The police have not been paid for three months, what now? The Legislature does not meet until January, and then the difficulty can be met only by increasing the levy beyond its present limit.

The Times-Star, an independent afternoon paper, prints the following:

"The announcement in Cincinnati that the Scott Law had been declared unconstitutional created considerable interest and comments. For many months the saloon men have been resisting the payment of the tax, claiming that a Democratic Court would repeal it. As the decision was made by three Democrats, each one elected by the anti-Scott Law movement, the general public will believe that the action was the result of political persuasion. The news falls heavily on the ears of the poor police, who will now have to wait for pay until the Legislature meets. It will make a revolution and a complication in county and city financial matters. The saloon men will commence legal action to get back the \$400,000 paid in last year in this county alone. The same will be true all over the State. The result on next Tuesday's election is uncertain. A large saloon vote may be cast for Cleveland on account of the decision. Anyhow the vexed question will remain in politics for some years longer.

"Auditor Brewster was with the Times-Star reporter when the decision was made known here. A few moments before the Auditor had remarked that he thought the Court would sustain the law.

"If it doesn't, what?"

"The county will have to pay out \$400,000 that was collected last year. If it was declared constitutional, I should have been ready. I have here the names of every person liable for the tax in the county. The argument was made lately that 163 persons evaded payment a year ago. They wouldn't have evaded this year. I got this list at the Collector's office."

"The reporter counted 2,005 names on the books—a decrease in a year of 200 or more. This shows that many have quit the business. Had the law been declared constitutional \$375 would have been collected from each one because of the penalty.

"Several Republicans who have been discussing the probable fate of the law give the opinion that the disgust of taxpayers over the decision will cause a great change in the vote."

Body Found in the Bushes.

PORTLAND, Ore., Oct. 29.—About a year ago James Douglas, a wealthy stockman, living in Falouse, Whitman County, Washington Territory, suddenly disappeared while out hunting cattle. A long and diligent search was made, but without avail. It was always thought that Douglas was murdered by Indians but no direct evidence was ever found. Yesterday a party of hunters found Douglas' remains secreted in a thick clump of bushes. There was every appearance that he had been murdered by Indians.

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