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Case of W. A. Barnes Decided

State Courts Cannot Impose Penalty For Violation of Act of Congress.

Judges Parke and Forsythe Sustain Demurrer To Indictment. An Appeal Probable.

Wednesday Judges Parke and Forsythe, sitting in the Circuit Court for this county, sustained the demurrer filed by the accused in the case of the State of Maryland vs William Almer Barnes, of New Windsor, this county, who was indicted by the recent grand jury on the charge of "possessing and transporting" intoxicating liquor in Carroll county contrary to the provisions of the Act of Congress, generally called the Volstead law, upon the ground that Federal statutes are not subject to enforcement in the courts of the States.

The Opinion Of The Court.

The opinion of the court is that the crime charged in the indictment is an offense against the sovereignty of the United States and not against the sovereignty of the State; and since 'there can be no criminal prosecution initiated in any State court for that which is merely an offense against the general government,' the court here has no jurisdiction and the demurrer will be sustained on this ground.

The indictment on which Barnes was arrested contained two counts—transporting liquor and the possession of intoxicating liquor for beverage purposes. In arguing the case, Mr. Brown contended that Article 2 of the Declaration of Rights adopted by the Constitutional Convention of 1867 made the Constitution of the United States and acts of Congress adopted in pursuance thereof the "supreme law of the State," and that violations of Federal statutes, including the Volstead act, could be enforced in the State courts.

crime under Maryland or Carroll county law. He said the question raised by the pleading was whether the State of Maryland had jurisdiction to punish as an offense against her sovereignty an offense against the United States committed within the territorial limits of this State.

There is nothing in the Eighteenth Amendment or the Federal statute to warrant an answer in the affirmative, the court held. After reciting the two sections of the amendment, the court continued:

"An offense under the National Prohibition act is, therefore, a crime against the sovereignty of the United States to be prosecuted and punished only in the Federal courts having criminal jurisdiction, yet the same act or omission may constitute a separate and independent crime, punishable by a State.

Explains "Concurrent Power."

"The phrase in the amendment, 'concurrent power,' authorizes every State to enforce the amendment by any appropriate prior or subsequent State law that does not defeat or thwart the enforcement of the amendment, nor conflict with Federal legislation. The amendment was a limitation upon, not a grant of power to the State.

"It follows that the amendment empowered, but did not compel, every State to pass a law making the same act, which had been unlawful and a crime by the amendment and National Prohibition act, also punishable as an offensive against the State. It is upon this testimony that local prohibition laws are enforced

COURT HOUSE NEWS

MARRIAGE LICENSES ISSUED

Lloyd Daniel Wantz and Mary C. Warehime, Westminster.

Wilbur John Winter and Helen W. Bair, Westminster.

William F. Wolf and Elva Perry, Denton, Md.

Elias S. Shellhammer and Dawn C. Hergelroth, Harrisburg, Pa.

John G. Brothers and Catherine F. Fleischman, Baltimore.

Guy W. Morelock and Ada L. Neudecker, Westminster.

Irvin R. McClain and Bettie L. Conly, Harrisburg, Pa.

TRANSFERS OF REAL ESTATE

Walter R. Rudy et al to William F. Myers, 78 sq. ft., $1.

William F. Myers and wife to Carroll C. Myers, 78 sq. ft., $1.

Samuel L. Johnson et al to George V. Miller and wife, 167 a, $10,357.

Annie E. Jordan to Earl W. Jordan, 1 a, $10.

John W. Coppersmith and wife to Ella M. Blizzard, 3 lots, $5.

Tabitha A. Summers to Harry B. Summers and wife, 2 a, $10.

Tabitha A. Summers to James E. Summers, 2 a, $10.

John W. Cross and wife to Truman Lambert, 4 lots, $10.

John W. Cross and wife to J. Earl Anders, 2 lots, $10.

Sander E. Lachman et al to Ella M. Blizzard, 3 lots, $4,500.

Julia Resse to David B. Marstiller and wife, 7 a, $10.

CIRCUIT COURT

State vs William Almer Barnes, transporting liquor, demurred to indictment, demurrer sustained, traverser discharged.

State vs William Stine and Charles Yingling, larceny, guilty confessed. Sentenced Stine to Maryland School for Boys until he shall reach the age of 21 years. Yingling to six months in

OBITUARY

SAMUEL H. HELTEBRIDLE

Samuel H. Heltebridle died Friday, November 25, 1927, at his home in Uniontown, aged 82 years, 11 months and 13 days. He was a son of the late Henry and Elizabeth Heltebridle and is survived by one daughter, two stepsons and one step-daughter. The funeral was held Monday with services at the house at 2:00 P. M. and interment was made in the M. P. cemetery, Uniontown.

Harvey Bankard funeral director.

MRS. C. V. STORMS

Mrs. Gertrude E. Storms, wife of C. V. Storms, died Friday, November 25, 1927, at the Johns Hopkins Hospital, Baltimore, to which institution she was taken several weeks ago. She was a daughter of the late Landon and Georgianna Quick and is survived by her husband and several children. The body was removed to the undertaking parlors of Harvey Bankard from where it was sent Monday to Charles Town, W. Va., where interment took place.

MRS. ELLEN R. HESS

Mrs. Ellen R. Hess, widow of the late H. David Hess, died at the home of her son, Norman R. Hess, Harney, this county, Sunday, November 27, 1927. She was aged 84 years, five months and six days. She was a daughter of the late Jacob and Margaret Shoemaker and is survived by three sons as follows: Martin B. Hess and Norman R. Hess, Harney, and Elmer F. Hess, near Harney; also by 10 grandchildren, 12 great-grandchildren, and one brother, Washington Shoemaker, Taneytown. The funeral was held Wednesday morning, meeting at the house at 10 o'clock with further services in Piney Creek Presbyterian church, of which she was a member, and interment was in the cemetery adjoining. Her pastor Rev. C. T. Brown, assisted by the

EDWARD C. LYNCH DIES SUDDENLY

Edward C. Lynch, a son of the late Edward Lynch, a former prominent and influential citizen of this city, died Saturday, November 26, 1927, at his late residence in Harrisburg, Pa., following an acute case of angina pectoris, aged 62 years.

Besides his widow, who was Miss Mabel Diller, daughter of the late Cyrus Diller, of Hanover, Pa., the deceased is survived by two daughters, Mrs. Georges Brette Gleanzer, of New York City, and Mrs. Edward Lovell, of Boston, Mass. He is also survived by the following brothers and sisters: M. John, and Thomas O. Lynch, of Baltimore; C. Gloyd Lynch, this city; Mrs. John S. Mathias, of Kansas City, Mo.; Mrs. Orlando Reese, and Mrs. Edward Shriver, of Washington, D. C.

The remains were brought to the residence of C. Gloyd Lynch, this city, and on Tuesday morning funeral services were held in St. John's Catholic church, Rev. Martin P. J. Egan officiating, and the interment was in the adjoining cemetery.

The pallbearers were M. John Lynch, Thomas O. Lynch, C. Gloyd Lynch, Joseph L. Mathias, J. Gloyd Diffendal, and Walter Hook.

Harvey Bankard funeral director.

Edward C. Lynch spent his boyhood and youthful days in this city where he made and kept the warm friendship of the many friends of his youth.

Shortly after his marriage he engaged in the ready-made shoe business in a building which once stood on the site of the present post office building. The life of a small town merchant was entirely too prosaic for him and he closed out the business and embarked in the sale of farm machinery, in which he made a marked success. For many years he

SECOND ANNUAL CORN SHOW

The second annual corn show which opened in the Armory, this city, Tuesday was pronounced by experts to be the finest of its kind ever staged in the state of Maryland, placing Carroll county in the forefront of the corn producing sections. The judges started placing the awards Wednesday and much interest was shown in the show by farmers and by out-of-town visitors. The corn show consisted of three sections: The First National Bank of Westminster division with 157 entries from growers who had secured free seed corn from the bank; the county-wide exhibit of 168 entries in charge of L. C. Burns, county farm agent; and the junior show with exhibits from the agricultural departments of high schools and boys and girls under 18.

C. N. Myers, Hanover, and Henry Hyland, Thomasville, served as judges of the First National Bank exhibit which is the best in quality and uniformity of samples ever sponsored by the Westminster institution, this work being in charge of Denton Gehr who is to be congratulated upon the excellent result of his efforts in promoting increase of Carroll county's corn crops. The Golden Queen and Lancaster Sure Crop varieties were shown in this group.

The total number of entries in the show was 350 as compared with 323 last year. W. T. L. Taliferro, University of Maryland specialist, placed the awards in the county-wide section, in which nine varieties or classes were included.

The Charles Carroll high school of the Myers district won the trophy cup given by the Westminster Rotary club for the high school making the best showing. The winning exhibit showed many varieties of corn and incl-