

in a room of the Columbia Club cannot either excuse or add to their offense. The seizures which have been heretofore brought to the attention of the court have been made while the packages were in transit, or before the owners had reduced them into complete possession. This is the first case in which complaint is made a seizure some time after the arrival of a package, and while it was in complete possession of the owner. It is not difficult to understand how some persons would imagine that this made an important difference. This will be taken into consideration.

At the hearing, the attorney general being in court, his assistant, who represented the respondents, gave positive assurance that his office had instructed the constables to obey the order and injunction strictly; that of his own knowledge there was an honest apprehension on their part that the seizure was of contraband whisky, not protected by the order. As has been said, we can only discuss. The seizure of this package, the offense to the club, and any invasion of its rights, cannot come within the supervision of this court. Taking everything into consideration, it is ordered that the marshal take into his custody the respondents J. T. Speed, S. G. La Far, and A. T. Davis, and that, upon the payment of all the costs of this case and the delivery of the package to the petitioner, they be discharged, and go hence without day.

---

DONALD v. SCOTT et al.

Ex parte GONZALES et al.

(Circuit Court, D. South Carolina. December 2, 1895.)

INTOXICATING LIQUORS—INTERSTATE COMMERCE—STATE POLICE LAWS.

Liquors imported by a common carrier from another state, for the personal use of the importer, are under the protection of the interstate commerce law only so long as such personal use continues, and such protection ceases if the liquors are given to another; and in such case they immediately become subject to the police laws of the state.

This was a petition by A. E. and W. E. Gonzales, in the case of James Donald against J. M. Scott and others, praying for the delivery to them of certain packages of liquors seized by the officers under the dispensary act.

H. C. Patton, for petitioners.

Wm. A. Barber, for respondents.

SIMONTON, Circuit Judge. This case was heard at the same time with that of Mr. N. G. Gonzales, and, in general, presents the same features. There were two kegs marked in the name of A. E. Gonzales, with labels showing that they were imported from North Carolina by Mr. A. E. Gonzales, for his own personal use, by a common carrier. Mr. A. E. Gonzales, in his evidence, shows these facts to be true; but he adds that he had given one of the barrels to his brother, W. E. Gonzales. In the opinion just filed (76 Fed. 554), it has been shown that liquor imported from another state, or from

a foreign country, for the personal use of the importer, is protected by the interstate commerce law, and that this protection is continued over the importation after its arrival, so long as this personal use and consumption continues. If, however, this personal use and consumption cease, the protection ceases also. In the present case, Mr. A. E. Gonzales imported for his own use two packages. One continued in his own use and for his own consumption. The other did not. He gave it away. The police law of this state forbids this. Indeed, if packages could be imported by any one for his own use, and, after arrival, could be given to others, there could be no limit to the number so imported by one person, or to that of the recipients after they were imported. The protection of the interstate commerce law is a personal privilege. It cannot be transferred to another person, and give to him the protection given to the importer, only because he actually imported the goods. The package belonging to A. E. Gonzales is in the possession of the respondent F. M. Mixson. Let him deliver it to the owner. After such delivery, this rule will be discharged. The other package, that now owned by Mr. W. E. Gonzales, has been withdrawn from the jurisdiction of this court.

---

UNITED STATES ex rel. TAYLOR v. CLARK.

(District Court, D. Alaska. March 30, 1896.)

1. INFORMATION IN DISBARMENT.

In disbarment proceedings, based upon a criminal conviction of the attorney, the information must set out the offense of which the attorney was convicted.

2. CONVICTION OF MISDEMEANOR.

Where the conviction is of a misdemeanor, the offense must be one involving moral turpitude, as provided by section 1047, p. 691, Hill's Code, and the information must so aver. Following State v. Bannon (Or.) 42 Pac. 869.

3. DEFECTIVE INFORMATION.

Although courts possess the inherent power to purge the bar, an order of disbarment, rendered upon an information which is fatally defective, will be set aside.

(Syllabus by the Court.)

This was a petition to vacate an order of disbarment.

Burton E. Bennett, U. S. Atty.

Willoughby Clark, in pro. per.

DELANEY, District Judge. This is an application on the part of the defendant to vacate an order of disbarment entered against him in November, 1892. The application is supported by a majority of the resident members of the bar, who have signed a petition to the court in the defendant's behalf. The proceedings in disbarment were instituted on the motion of the court, and were commenced by an information filed on the 23d day of November, 1892. The information charges that the defendant, being an attorney of this court, had theretofore been indicted, tried, and convicted of larceny as a bailee, by appropriating to his own use certain lawful