

192 U. S.

Opinion of the Court.

as the proper subject of legislative regulation. Not only may a license be exacted from the keeper of the saloon before a glass of his liquors can be thus disposed of, but restrictions may be imposed as to the class of persons to whom they may be sold, and the hours of the day and the days of the week on which the saloons may be opened. Their sale in that form may be absolutely prohibited. It is a question of public expediency and public morality, and not of Federal law. The police power of the State is fully competent to regulate the business—to mitigate its evils or to suppress it entirely. There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a citizen of the State or of a citizen of the United States."

Judgment affirmed.

CRONIN *v.* CITY OF DENVER.

ERROR TO THE SUPREME COURT OF THE STATE OF COLORADO.

No. 101. Argued December 16, 1903.—Decided January 4, 1904.

Certain sections of an ordinance of the city of Denver, Colorado, as to the sale of liquor held not to be unconstitutional on the authority of *Cronin v. Adams, ante*, p. 108.

THE facts are stated in the opinion.

Mr. Milton Smith for plaintiff in error.

Mr. Charles L. Brock, with whom *Mr. Henry A. Lindsley* and *Mr. Halsted L. Ritter* were on the brief, for defendant in error.

MR. JUSTICE MCKENNA delivered the opinion of the court.

This action was brought in the police court of the city of

Denver, State of Colorado, to collect \$500, for the violation of section 746 of ordinance No. 101 of the city. Plaintiff in error was found guilty, and fined the sum of \$50. On appeal to the County Court he was also found guilty and fined \$100. The judgment was affirmed by the Supreme Court of the State, and thereupon the Chief Justice of the State allowed this writ of error.

The case involves the constitutionality of sections 745 and 746 of the ordinance of the city of Denver. That question was passed upon in *Cronin v. Adams*, just decided, *ante*, p. 108, and on its authority the judgment is

Affirmed.

CHARLES McINTIRE *v.* EDWIN A. McINTIRE.

EDWIN A. McINTIRE *v.* CHARLES McINTIRE.

APPEALS FROM, AND IN ERROR TO, THE COURT OF APPEALS OF
THE DISTRICT OF COLUMBIA.

Nos. 84, 85. Argued December 8, 1903.—Decided January 4, 1904.

A testator left a residue "to be equally divided between my brothers Edwin and Charles children." At the date of the will the brother Edwin had died leaving six children, five of whom survived the testator. Charles had two children and he and one of his children survived the testator.

Held that the residue was to be divided *per capita*.

Counsel was retained to uphold the will at the petition of legatees, including the administrator with the will annexed, and was paid by order of court, the payments being charged by him against the interest of these legatees without prejudice to an application to have them charged against the estate. In the final account, the payments were charged against the estate and his accounts were allowed.

Held that the charge was proper.

An order of court was made by consent that the administrator with the will annexed should act as such, but without commission or other charge, the assets being in other hands. When the debts were paid the assets