

Counsel for Plaintiff in Error.

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and several other officers, this code or list of licenses was prepared by the committee. It was prepared largely upon their suggestions and upon the information of the committee derived from conversing with them." Vol. 32, Congressional Record, Part III, page 2235.

While, of course, it would have simplified the matter and removed all doubt if the statute had provided that those taxes be paid directly to some local treasurer and by him disbursed in payment of territorial expenses, yet it seems to us it would be sacrificing substance to form to hold that the method pursued, when the intent of Congress is obvious, is sufficient to invalidate the taxes.

In order to avoid any misapprehension we may add that this opinion must not be extended to any case, if one should arise, in which it is apparent that Congress is, by some special system of license taxes, seeking to obtain from a Territory of the United States revenue for the benefit of the nation as distinguished from that necessary for the support of the territorial government.

We see no error in the record, and the judgment is

Affirmed.

MR. JUSTICE HARLAN took no part in the decision of this case.



WYNN-JOHNSON *v.* SHOUP.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF ALASKA.

No. 266. Submitted April 28, 1904.—Decided May 31, 1904.

Decided on authority of *Binns v. United States, ante*, p. 486.

Mr. S. M. Stockslager and Mr. George C. Heard for plaintiff in error.

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Syllabus.

Mr. Assistant Attorney General Purdy for defendant in error.

MR. JUSTICE BREWER delivered the opinion of the court.

This case is similar to the one just decided, and, for the reasons given in that opinion, the judgment of the District Court of Alaska is

Affirmed.

MR. JUSTICE HARLAN took no part in the decision of this case.

PUBLIC CLEARING HOUSE *v.* COYNE.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF ILLINOIS.

No. 224. Argued April 18, 1904.—Decided May 31, 1904.

The power vested in Congress to establish post offices and post roads embraces the regulation of the entire postal system of the country; Congress may designate what may be carried in, and what excluded from, the mails; and the exclusion of articles equally prohibited to all does not deny to the owners thereof any of their constitutional rights.

Due process of law does not necessarily require the interference of judicial power nor is it necessarily denied because the disposition of property is affected by the order of an executive department.

Each executive department of the Government has certain public functions and duties the performance of which is absolutely necessary to the existence of the Government and although it may temporarily operate with seeming harshness upon individuals, the rights of the public must, in these particulars, overrule the rights of individuals provided there be reserved to them an ultimate recourse to the judiciary.

Where a person is engaged in an enterprise which justifies the Postmaster General in issuing a fraud order, it is not too much to assume that *prima facie* at least all of his letters are identified with the business and § 3929, Rev. Stat., as amended by the act of September 19, 1890, is not unconstitutional because the Postmaster General in seizing and detaining all letters under a fraud order may include some having no connection whatever with the prohibited enterprise.