may not be conclusive of the carrier's wrongdoing, but still it is entitled to consideration in determining that question.

Much as we may sympathize with the efforts to put a stop to the sales of intoxicating liquors in defiance of the policy of a State we are not at liberty to recognize any rule which will nullify or tend to weaken the power vested by the Constitution in Congress over interstate commerce.

The judgment of the Court of Appeals of Kentucky is reversed and the case remanded for further proceedings not inconsistent with this opinion.

MR. JUSTICE HARLAN dissented in this case and in the two succeeding cases. See p. 141, *post.*

ADAMS EXPRESS COMPANY *v.* KENTUCKY.

ERROR TO THE COURT OF APPEALS OF THE STATE OF KENTUCKY.

No. 332. Argued April 17, 18, 1907.—Decided May 13, 1907.

Decided on authority of *Adams Express Company* v. *Kentucky*, *ante*, p. 129.

THE facts are stated in the opinion.

Mr. Lawrence Maxwell Jr., and *Mr. Edmund F. Trabue*, with whom *Mr. Joseph S. Graydon* was on the brief, for plaintiffs in error.[1]

Mr. Napoleon B. Hays, Attorney General of the State of Kentucky, with whom *Mr. Charles H. Morris* was on the brief, for defendant in error.[1]

MR. JUSTICE BREWER delivered the opinion of the court.

This case differs from the preceding in the fact that it was tried by the court without a jury. In all other respects it is

[1] For abstracts of arguments see *ante*, p. 131 *et seq.*

substantially the same. There was the same averment in the indictment; and more than that, there was an express stipulation made between counsel pending the trial in these words:

"It is further agreed at this point that the whiskey about which the witness testified was delivered by the Adams Express Company and received by it in its office in Cincinnati in the usual course of business as a common carrier, and carried by it to Barbourville, Kentucky, by the method commonly known as C. O. D."

There is nothing, therefore, to distinguish this case in principle from the preceding, and the same judgment will be entered in this as in that.

MR. JUSTICE HARLAN dissented. See p. 141, *post.*

AMERICAN EXPRESS COMPANY OF NEW YORK *v.* KENTUCKY.

No. 583. Argued April 17, 18, 1907.—Decided May 13, 1907.

ERROR TO THE COURT OF APPEALS OF THE STATE OF KENTUCKY.

Decided on authority of *Adams Express Company* v. *Kentucky*, *ante*, p. 129.

THE facts are stated in the opinion.

Mr. Lawrence Maxwell, Jr., and *Mr. Edmund F. Trabue*, with whom *Mr. Joseph S. Graydon* was on the brief, for plaintiffs in error.[1]

Mr. Napoleon B. Hays, Attorney General of the State of Kentucky, with whom *Mr. Charles H. Morris* was on the brief, for defendant in error.[1]

[1] For abstracts of arguments see *ante*, p. 131 *et seq.*