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Philadelphia, Tuesday, September 4, 1917

THE CONSTITUTION DOES NOT BELONG TO REAC-TIONARIES

T IS peculiar that the Constitution which became the final written covenant of liberty and justice in this country. should be appealed to invariably by the of reaction whenever public opinion writes into the statute books laws likely to improve social conditions and keep the nation in line with the forward development of modern economic thought and progress. Bring a man up under a system which has yielded him profits and he will fight to the bitter end transit. against any change in that system. Let men grow rich through child labor and no argument under the sun which can convince them that child labor is not a good thing. The father who has children working in mills and confiscates their weekly wage is horrified at the impudence of government in endeavoring to prevent such a condition of affairs. There is not a humanitarian law of any importance in American statute books that some interest or other did not wage war against it in the courts on the ground of its unconstitutionality. When the slave autocracy could get little comfort anywhere else, it turned with confidence to the United States Supreme Court and argued out of that tribunal the infamous Dred Scott decision. But times have changed and the view of courts has changed with them. It is not often in these days that the Supreme Court upholds the narrow views of provincial judges or fails to interpret broadly the powers of the Federal Government.

Keating-Owen child-labor law, trict of North Carolina, has declared unconstitutional, prohibits the employment of any child under fourteen years cannery the products of which are to be shipped in interstate commerce, and requires that the working day of children fourteen to fifteen years old shall not Parkinson, of Columbia University, representing the Department of Justice, stated that Congress avowedly had used its power to regulate interstate commerce within several of the individual States. This statement, Judge Boyd averred, left the issue clear and brought forth the question, "Can Congress do by indirecdirectly?" "Congress may regulate trade among the States," he decided, "but not the internal conditions of labor."

We have not Professor Parkinson's view in full before us. His interpretation of the purposes of Congress could be, at out of the question under the present embryo is part of the vital asset of the nation. The education of that citizen and his upbringing under conditions rea sonably conducive to good health are of no matter of what State the aforesaid person may be a native and an inhabitant. We have passed through that era of hazy conceptions when a community was not sick unless an epidemic raged. We know now that general insanitary conditions, methods of employment, etc., in any one State may be as dangerous *. the well-being of other States as cholera or smallpox. In conserving our natural resources we have learned to conserve also our vital resources. The national welfare is superior to any State rights The decision to that effect was not registered in a law court, but at Appomattox. It is still in force.

In view of the extraordinary power d recently in the hards of the Chief itive, powers which ampufy amazgly the Federal authority, we doubt dy if the Supreme Court will sustale the narrow and rigid ruling handed n in North Carolina. It is more to sweep the whole argument of ties to one side and place itself ely on record once more in favor ral construction of the Consti

fore, none of its cardinal principles has been violated, its limitations have never been permitted long to strangle and stifle progress. The Federal Government has implied powers amply justifying ity for such an enactment need not be looked for only under the authorization for the regulation of interstate commerce,

BY WHAT RIGHT?

WHAT right has Mr. William Draper Lewis, or Mr. Twining, or the Mayor or Councils to propose a transit lease based on the principle that the riders shall pay the full cost of the service?

Mr. Taylor's program divided itself naturally into two parts, a program for onstruction and a program for financing He was no more explicit in his description of the one than he was in his description of the other. He said: "Here are the lines we shall build and here are the offsets to be used against early deficits of operation." On such an issue and no other the people voted. Not even a loan of \$1,000,000 for transit purposes would have been approved by the public had it not been distinctly, clearly and surely inderstood that the financing of the operation should be along modern lines. with the city's share of the "unearned increment' being used, if necessary, as an offset for early deficits.

By what right, then, do any men come before the public and propose to abandon utterly this vital program and substitute for it an obsolete method of financing, never proposed when the people were voting on the project and entirely at variance with modern methods? They assume a power that does not belong to them. They have no moral right, and we doubt if they have a legal right, to embark on such an adventure. The lease itself has been shot full of holes and it is understood that its proponents are prepared to accept radical changes; but there is no change that can make it worthy of serious consideration, because the very basis of it is a repudiation of the essential guaranties made the people of Philadelphia when they voted in favor of rapid

THE RIGA DEBACLE

THE abandonment of the Riga section has been anticipated for some time. Wherever there are undisciplined or poorly equipped troops in opposition. there the Germans win victories. But they have won no laurels against the Allies in the West since they were stopped at the Marne.

The very immensity of Russia may prove her salvation. Territory won must be held. The winter is worth ten army corps in Russia. And nothing so cements the martial spirit of a people or is so certain to bind them together for united soil. Human nature gets the better of all theories and "isms" when that condition of affairs comes to pass, and the natural love of man for the soil that he lives on dominates all his impulses. There is nothing more dangerous than to "conquer" Russia. She is whipped only when her armies fall along the far-flung frontiers or in foreign lands. She is victori-

ous when her fees win to her very heart. The Allies have ceased to expect anything from Russia except that she keep a certain number of Germans employed. which Judge Boyd, of the Western Dis- That she is doing. The further they run into her territory the more certain she is of a final united effort and a titanic struggle to rid herself of her tormentors.

THE PATRIOTISM OF SONG

MAJOR GENERAL BELL has happily succumbed to the catch phrase that "A singing man is a fighting man." To prove that this is true he has already started a public subscription fund with which to purchase musical instruments and copies of popular songs for the sotdiers to be trained at Camp Upton, Yaphank, Long Island. When that chorus gets going it will be the mightiest ever heard on this continent.

Similar movements ought to be inaugurated in all the cantonments. The psychological effect of a good song well sung by a fighting army is terrific. That intangible factor of victory called morale has no better ally than spirited music. Germany employed this asset to the fullest extent when her troops broke all marching records with the conquest of twenty-five miles a day during the early rush through Belgium. Such advances, even with melody to help, are, of course, conditions of warfare, but even when the playing of a weary waiting game is demanded the patriotic inspiration of song is invaluable

Moscow will be the capital, but tot of a German empire.

Mr. Wilson's reply to the Pope is like good wine-it gets better with age.

One Labor Day is much the same as another, only each year there is a lit-

small bills." Husbands of bargain-hunt-Mayor Mitchel, of New York, is

Uncle Sam reports a "shortage of

also lucky. A judge is the opposition candidate, and he isn't even a Republi-It is a pity the Mayor does not

walk more often about the city by night.

He might see some things that blind ordinary preservers of the peace. And yet it was only a year or ago that the present Mayor of Chicago was being groomed for the presidency

Time is a yardstick no "piker" can fool.

Mr. Wilson having decided to march in the parade of drafted men today, Senator Vardaman announces that he'll be there, too. We trust that the exercise will not be so strenuous as to interfere with his future oratory in the

Mr. Black charged that Governor Brumbaugh wanted to use the State Highway Department to build up a poitical machine. The Governor retorts by appeinting J. Denny O'Neil to take

PITTSBURGH POLITICAL SITUATION FULL OF THE GRIMMEST OF HUMOR

a Federal child-labor law, and the author- Substantial and Sober Citizens Refuse to Take Seriously the Impending Battle for Control by Philadelphia Contractors

WITS'-BURGH

This is the first of a series of five articles by a staff representative of the Evening Ledger who has made a serious study of political conditions in Pittsburgh, which are almost without precedent in the history of the Commonwealth.

By SAMUEL McCOY

People are going about their businesses stolldly and even refuse the tribute of a sour smile to any new discussion of the transit situation, for example.

To find any real activity in the jokemanufacturing line today Philadelphians must travel in a westerly direction for some 200 miles and shake hands with the boys out in Pittsburgh. There, in the city of coke and steel (with the accent, according to some Pittsburgh humorists, on steal), the jokesmiths are working night and day on war orders for popular consumption. The tall stacks of the joke mills are belching forth black clouds of humor by day, and by night the city is lighted up with the ruddy glow of the

burgh recently and held conversations It to the critics in Philadelphia to judge whether they were expressed in deadly machine. They'll play with him. seriousness or in a spirit of delightfut

Pittsburgh began its campaign for come to the point yet. As far as my own away from Pittsburgh in the deepest of glooms. I had failed to have a long, long, long talk with T. H. Given, a gentleman who was touted to me as being the cheeriest little humorist in all Pitts-

A Good Penrose Democrat

Mr. Given owns a bank and two news-

when he called himself a Democrat. I ship! thought the delicious humor of the anecaction as an enemy in possession of their dote lay in the fact that the Democrats "Even the women who are our social leadin Pittsburgh were like the snakes in ers and who once attacked vice condi-Ireland.

point, as usual.

And this is not the only bit of humor ascribed to him. I was told that some one recently asked Mr. Given to account for the fact that no Democrat had been in the running for Mayor since the days when the late James W. Guthrle occupled the post. This is the answer ascribed to Mr. Given:

"We have a nonpartisan primary here; and one of the defects of that system is that it eliminates as candidates all but representatives of the controlling party."

fighter—in business. His newspapers are, of course, fighting tooth and nail in the interests of the Democratic party? Not You got that wrong. They happen to be supporting Senator Penrose's preference for the mayoralty.

According to Mr. Given, as quoted, only candidates of the "controlling party" get ominated at Pittsburgh's primaries.

There are three Republicans in the mayoralty race, and a Democrat who is a fighter by instinct simply can't refrain from supporting at least one of them. So Mr. Given supports the Penrose candidate. A finer example of the subtle Pittsburgh humor current in these days can scarcely be imagined.

Loyal to Capitalists

Town gossips are uncontrollable. They whispered to me that the public utilities expert who is one of the Republican contestants for the mayoralty had intimated in his platform that he intended to force upon the banking interests which own the Pittsburgh street railways certain things which would benefit the persons who ride in street cars and which would, presumably, cut down the revenues of the persons sips said that the Given bank, daunt- Brown. lessly standing side by side with the to fight this threat against decent capitalists to the last trench in the pavements of Pittsburgh.

But the joke on the town gossipe is that Mr. Given's newspapers haven't once given this explanation for their support of the Penrose candidate. And the only consolation the town gossips find is to say that Mr. Given, from the calm heights occupied by a wealthy Democratic banker, sneers behind his warm, impulsive palm at all three of the candidates. This is manifestly unfair on the part of the town gossips, however. The thing which is plainly to be read in Mr. Given's news papers by any one of Pittsburgh's million of street car riders is that Mr. Given is supporting the candidate of that sterling

Democrat, Senator Boles Penrose! One statement in which there is no trace of humor is attributed to Mr. Given. It is said that he was asked if he did not consider it a good idea to form a committee of substantial business men, say one hundred in number, to stand as sponsors before the public for the good be-

THE DANGER MONTHS

July, August and September are the dan-

ger months. During these three months 60

per cent of all the babies born in the United

States do not survive the first month. Rec-

ords prove that more than 40 per cent of

bables born each year die before thirty days

Measured by 1917 standards in Penn sylvania, Tammany was a piker. Tammany owned one city. The tigers of today will be content with not less than two. For with these two the victor will count an empire Commonwealth as its untrammeled hunting ground.

The second article on the Pittsburgh po havior of the Penrose candidate should Auction; How Much Is Bid for Pittsburght" he become Mayor. Mr. Given is said to will appear on this page tomorrow.

There is no longer any excuse for parents

have replied in words which left no doubt NOTHING especially humorous is being as to their exact meaning that if he approved the formation of such a committee he would propose it in his own newspapers, and that if he did not approve it he would not propose it in his

own newspapers. What could be plainer? "Too Busy Making Money"

These are "bon mots" too often retold. To get one from which the gloss had not been rubbed, I called upon one of the heads of one of the greatest steel concerns in Pittsburgh. He was too canny a humorist to allow the use of his name but his persiflage was genuine, even though it must remain anonymous,

"The administration of Pittsburgh under Mayor Armstrong, just ending his term, is one of the most disgraceful in Pittsburgh's history," said he. "The candidate who will have the support of the I have spent several days in Pitts. Penrose-Armstrong machine in the present election is a business man of the with a number of its citizens. Some of their highest ability in the management of his remarks are set down herewith. I leave private affairs. But if he is elected Mayor he will be a child in the hands of the

"Business men of equal ability and playfulness. The pits of Wits'-Burgh are who are independent of machine domination could give Pittsburgh a clear administration. But we are all too busy the election of a new Mayor on Monday making money. And why should any of last week. Don't laugh; we haven't man who has built up a character of honesty and acumen sacrifice it to the inindividual feelings are concerned, I came evitable blackening with which the enemies of any political candidate no matter how clean he may be, will besmirch him? No, thank you; no! We'll stick to our steel mills!

He asserted in so many words that the force of the Mellon banking interests would be thrown against the candidacy of former Public Service Commissioner William A. Magee, whose platform for expapers, so I was naturally disappointed tensive municipal undertakings is said when I failed to attain my hope for an to give uneasiness to them. He declared hour or two of conversation with a man that gambling graft and the social evil of whom many engaging stories are told. were rampant in Pittsburgh. And then Mr. Given's reputation for wit was he dismissed with a laugh the idea that achieved, so the story goes, and was any public sentiment could be aroused to made imperishable as a block of granite clean up the city by competent leader-

"Apathetic? Certainly!" he chuckled tions are too busy now with Red Cross But I was told that I had missed the work to pay any attention to this campaign. Frankly, I can conceive of no circumstance which could arouse the public from its apathy."

He made these observations in the almest of tones, and if they could not be classed as humor, they do form an ironic comment on Pittsburgh which is not de-

Even Mrs. Rinehart Is Cynical

Precisely the same attitude was taken by Mary Roberts Rinehart, probably known to more people in the United Besides his reputation as a humorist. States than any other resident of Pitts-Mr. Given is described as being a buildog burgh. Mrs. Rinehart, a keen student of nunicipal as well as of national affairs. asserted without reservation that Pittsburgh's citizens are not being given a as though he did not know that Delaware clean city, either morally or physically. Nor could she express any confidence that the conditions which she denounced would be bettered to any adequate degree, whatever the outcome of the present mayoralty contest. "Only a miracle could awaken the public to force clean government upon the city," said she, and frankly, I cannot see how such a miracle could happen.

"You think that sounds cynical? Well, war in 1914 and chaos generally. I am cynical! Pittsburgh is too old a down before little Delaware? They also wanted proportional representation quite as city, too habituated to wearing its chains without protest, ever to be awakened." Thirty years after the event Charles Pinckney wrote that it was "the prudence

A humorous situation? Possibly so, to the residents of Pittsburgh; but how intensely richer in humor to certain citizens of Philadelphia! And who may those citizens be?

Well, they stand in two groups, looking at each other across the prostrate body of the city in the Allegheny hills. In one group are Boles Penrose, James P. McNichol and their lieutenants; and in the other are William S. Vare, a Governor of Pennsylvania named Brumbaugh who own the street cars. The town gos. and his Attorney General, Francis Shunk

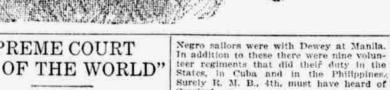
It has been a good many years since Melion banking interests, was prepared chap named Nast drew a picture of a monster tiger which stood over the body of a supine goddess and snarled victoriously while the hosts of those who had loosed the fearful animal into the arena looked down on the scene and cried applause. Tweed, whose rule of New York the tiger typified, is gone. Tammany is a lean shadow. But Pennsylva nians today are seated about an amphiheatre overlooking an arena in which not one but two tigers are loose, "Who cares which one wins?" chuckle the wits of Pittsburgh.

But if one conquers the other, the victor will make the old tiger of Tammany look by comparison like a tame housecat.

litical situation, "A Great City Put Up at

pure milk, many to summer heat. More than 75,000 of these bables could be saved to the country if they were given right food and proper care. And the country is going to need these bables as the country has never needed them before.

of a baby. There is no longer any reason or an infant to die from lack of pure milk. Of the 300,000 babies under one year of use who died in the United States in 1913 are who died in the United States in 1913 are who died in the United States in 1913 are with the deaths of



Carrizal.
Twelve negroes have been admitted to Not to Be Attained by Academic West Point, three of whom were graduated and one, Colonel Charles Young, has just been retired after thirty-four years' meri-Statesmanship-Comments on Other Current Topics torious service. There are at present two

"SUPREME COURT

story, that there was pained surprise at this,

did the same thing in his own land's con-stitutional convention, and, moreover, threat-

ened to disrupt the convention unless she

stead of that, however, according to Mr. Scott, the whole conference lay down before the little Central American nation, and now

Did the Wilsons and Madisons of 1787 lie

much as the Scotts and Butlers of 1997.

and forbearance of the large States" that saved the Union in 1787 by preferring to give little Delaware an equal representation

n the Senate rather than have the chaos

"The prudence and forbearance" of the

large nations was evidently not in working order in 1907, according to Mr. Scott's tale.

and so they, the Scotts and Butlers and

other representatives of larger nations, let the imminent union of 1997 fall to smash, and they, the Scotts and Butlers et al., not a

'entral American, let loose the chaos of

ion was larger timber-Wilsons and Madi-

son, however, would have gone there on such an errand anyhow; they would have

shown that there was no such thing as a "Supreme Court" without a co-ordinate

We need Wilsons and Madisons now to

queeze the water out of such stocks as nternational "Supreme Courts" (which are

riangles with only one side), a "League to

Enforce Peace." which is nothing but a mere vigilance committee, and set forth the well-known necessities of government. They had

wanted an imitation United States. They are too academic. A little closer inspection

chaos to the little Central American country

FORGOTTEN WARRIORS

Sir-Historians tell us that there were

more than 5000 negro soldiers in the Rev-olutionary War, and that two of them,

Peter Salem and Solomon Poor, were men

In the War of the Rebellion 180,000 ne

groes were enlisted and fought in many of the bloodlest battles of the war, namely,

and at the assault on Petersburg, Va. Many

of these men won commissions.

For forty years after the close of the

Civil War the negro troops fought the In-dians on the western frontier, and one troop —K of the Ninth Cavalry—in recognition

of its bravery was stationed at Fort Myer

Milliken's Bend. Port Hudson, Fort Wagn

To the Editor of the Evening Ledger:

BURTON ALVA KONKLE.

their Scotts and Butlers in 1787, too

Swarthmore, Pa., September 1.

War of 1812.

legislative and executive as bases.

sons, whose "prudence and forbearance" were in working order. No Wilson or Madi-

that would follow disruption.

charges it

with letting loose the dogs of

torious service. There are at present two
colored line officers in the regular army.
Captains J. E. Green and B. O. Davis.

Menelik with his negro army defeating
the Italians; Cetewayo, the Zulu chieftain.
defeating the British; Toussaint L'Ouverture defeating the French; the Cuban negroen under the famous black Generals THE HAGUE CONFERENCE To the Editor of the Evening Ledger: Sir-The story of The Hague conference f 1907, teld in yesterday's Evening

groes under the famous black Generals Macco and Gomez defeating the Spaniards, and the French negroes fighting side by side with their white compatriots in this great war for democracy, all testify to the LEDGER, ought not to pass without comment. It is evidently told by James Brown Scott, secretary of the American delegates, and it intimates that the conference was virtually agreed on a so-called international "Su-preme Court" when a Central American negro's ability as a fighter.

The negro regiments are the only ones in

"BUT I'LL COME BACK!"

State's representative suddenly demanded equal representation of all nations in producing it—and halted everything.

The negro regiments are the only ones in the army that are constantly filled, so that we could not volunteer if we wished because there is no process. e there is no place for us. As to claim ing exemption, the reports of the various boards will show that the negro is not claiming exemption in so great a ratio as the whites.

If the white men of this country would grant to the negro simple justice, fair play, the square deal that they love to prate so much about, we would not have to demand had her way. It is strange that Mr, Scott, or any one else supposed to be big enough to be a delegate at The Hague, should ignore the right to vote, which is guaranteed to the fact that this was the prime struggle of our convention of 1787 and not anticipate it at The Hague, and so provide for it. Inder the Constitution Philadelphia, August 30.

WHY NOT "EAGLES"?

To the Editor of the Evening Ledger: Sir-Another argument pro and con over the name of our boys! It seems no one is quite satisfied with "Sammee." I can't understand why they are not called "Eagles." Everything about the good old United States of America savors of the title; the "crow," as the sailor calls it, is on every rated man's sleeve; on the buttons of our army coats, and even on the Almighty Dollar. The Eagle fights for its own, not for King or Kniser. Don't our boys? What more can you ask? I am sure our boys will swoop down on Kaiser Bill like Eagles, and tear him to pieces when they once get started. MOTHER OF TWO OF THEM. Philadelphia, September 1.

PREFERS "YANKEES"

To the Editor of the Evening Ledger: Sir-Me, too, for "Yanker Sir-Me, too, for "Yankees" as the nick-name for our soldiers. Keller H. Gilbert has made out a strong case, and as one of the jury I agree in a verdict for client, "Yankee. For when the Crown Prince, long, slim

lank, runs up against the trained ranks of this country, and one of our footballers tackles him just below the belt and throws him for a loss of ten miles, his dignity, his conceit, his crown and his ninety-nine pounds, he will probably report that he has peen yanked good and plenty.

The one or the other will suit me, Yankee r Yank. On either I would bank. WALTER RUTHERFORD LEWIS. Wissahickon, Pa., September 1.

IT CAN'T BE DONE

The Neutral Restaurant and Eating House ed its doors for the first time at of the article shows that Elihu Root was in f the day on which our story begins, that group, but standing behind James Brown Scott, and evidently in the minority. Surely Mr. Root would not charge this awful Soulas Jitz, the proprietor, waiter and cook, courteously approached his first cus

"Good day, sir," he bowed. "Yes, sir." "A bill of fare, please."
"We don't use them in the Neutral Restaurant and Eating House, Mr. Tittlidge," explained Jitz.

'Tittlidge? My name is Henri Jacques de Grasse.

"I beg pardon, Monsieur de Grasse. We have French fried potatoes, Parisian au gratin, Joffre on the cob, and frogs tioned for marked bravery.

Negroes were with Perry on Lake Erie and with Jackson at New Orleans in the

He was still eating when the second customer arrived.
"Bring me a bill of fare," he demanded.

"We don't use them in the Neutral Res-taurant and Eating House, Mr. Tittlidge," plained Jitz.
"Mr. Who? My name is Oscar Wilhelm

"My error, Herr Goomberger, I'm sure We have German fried potatoes, Han steak, Dusseldorf yellow wurst, and sauerof its bravery was stationed at Fort Myer, Va., and had the pleasure of acting as escort for many distinguished visitors to the national capital, among them the Infanta Eulalia of Spain.

In the Spanish-American War the Ninth and Touth Cavairy and Twenty-fourth and Twenty-fifth Infantry regiments took contracts.

What Do You Know?

"Vorwaerts" is the name of one of the med important newspapers in Germany. What is its political trend and what does in title mean?

title mean?

2. What is the status of the international seculiate conference at Stockholm? Has a been abandoned or postponed?

3. Former Mayor McCledan is now an office in the army. Of what city was he Marse and who was his father?

4. What is the "Croix de Guerre"?

5. Baron Rhondda halds an important official position in England. What is this effect?

6. Who is Judge Hylan?

6. Who is Judge Hylan? What is meant by "Socratic irony"?

8. What is a catacomb? 9. What are the most Illiterate countries

10. One of the States will celebrate her on hundredth anniversary of statehood the year. Name the State. Answers to Yesterday's Quiz

1. "Bulls and hears": so called because bulk toos unward with their horns and be-cause the typical hear pawing gesture a downward. 2. Harrison Alusworth was a British writer historical novels.

4. The royal family of Holland is known at the "House of Grange." 5. Vatican: from "Vaticanus." Vatican Hill. 6. Lawmakers are called "Solons" after Solon the famous Athenian lawgiver.

7. The Abyssinians are Contic Christians head of the church is the Patriar Alexandria. Its organization dates to the early Christian centuries. 8. The famous art rallery in Petrograd called the Hermitage.

9. Kant wrote the "Critique of Pure Reason o. The correct pronunciation of Woolwich b

STARVING A JURY

THE trial of Johanna Clew, charged with poisoning her husband with arsenic, was the Philadelphia sensation of 1830. Jehanna went free, but the decision of a nice point of law in her case was so valuable to the Commonwealth that it could afford to go without vengeance.

The case was tried in Quarter Sessions before Judge King. The jury was charged about half-past 10 o'clock on a Saturday night, and, according to the command of the old English common law, the jurers were kept "without meat or drink, fire or candles" until they should render a verdict.

After the jurors had been out twentyfour hours the district attorney and counsel for the prisoner agreed that they should be supplied with food if they would receive

it. The majority of the jurors refused at that time to eat and went on with their arguments in the darkness of their room. Os the Monday morning two of the jurors Ebenezer Ferguson and Andrew Hooten, declared that if they were longer confined their lives would be in danger. Ferguson was seventy-six years old. His health had been impaired by previous illness and be could not walk without assistance. Hooten

was also iil and feeble. Dr. Joseph Klapp was ordered to attend the jurors and he reported that if they were "much longer kept in privation and restriction their lives would be in danger. Judge King then discharged the jury. In December of the same year Johanna again put on trial. Her counsel pleaded "autre fois acquit"-that is, "acquitted on another occasion"—and insisted that it was a constitutional mandate that no person's life should be twice in jeopardy for the same

The court decided against this plea. I upon removal of the question to the Supreme Court it was decided that there must be an overruling necessity to justify the discharge of a jury in a criminal case, and that the necessity was not shown at the first trial. "The jurors were not discharged becauthey were under actual sufferings, but by reason of a fear that they might sufferings, but by reason of a fear that they might sufferings, but by reason of a fear that they might suffering series, said the court, the ancient Eng is practice of depriving jurors of meat, dring fire and clucies was not in force in Pensylvania and the jurors could have becaupiled with everything they needed.