FORTY-FIFTH YEAR.

PITTSBURG, THURSDAY, DECEMBER 25, 1890.

HE KILLED HIS MAN.

One Lively Incident in the Career of the New Supreme Court Justice.

IT WAS A BURGLAR, THOUGH.

General Satisfaction is Now Expressed Over the Nomination of Judge Brown.

PRESIDENT HARRISON'S REASONS.

He Rend a Number of the Michigan Man's Decisions and Concluded He Was the Very Person Needed. .

NO PUBLIC BUILDING FOR BAR HARBOR.

A Veto Message Transmitted to the Senate Which Emphatically Snubs Maine's Favorite Summer Resert.

CONGRESSMEN NOW CELEBRATING CHRISTMAS

PETERL TRIEGRAM TO THE DISPATORAL WASHINGTON, Dec. 24.-Now that the first shock of surprise occasioned by the nomination of Henry B. Brown, of Michigan, to the Supreme Bench has passed away, the appointment is giving very general satisfaction. A story is told by a Western Senator to-day, which goes to show that Judge Brown, who will so soon first shock of surprise occasioned by the show that Judge Brown, who will so soon don the sable robe of a justice, has, like the new Senator Irby, of South Carolina, killed his man, under circumstances requiring considerable nerve.

But Judge Brown's man was a burglar. The story runs that the Judge was aroused from his sleep by a noise in his room. Standing near his bed he saw a man with his face masked and a pistol in one hand and a dark lantern in the other. In a very polite manner the Judge asked the visitor what he wanted at that hour of the night, to which the man replied that he wanted all the money and valuables of any sort that might be about the house. Quite an Interesting Situation.

He even went so far as to inform the Judge that he was a burglar. He intimated further that if the Judge did not assist him by keeping quiet and pointing out the hiding places of all that was valuable, the Judge might have his learned brains blown out. It was not a comfortable situation, but the judge made the best of it, having quite colm conversation with the burglar,

Having got everything of value he could find the man was about to leave the room when his attention was attracted by a gold to make the usual and sensible holiday adseen before. Being made bold by the gentle manner of the judge he thoughtlessly turned his back to the bed in going for the pin. In a minute the judge had a pistol out of a stand drawer by his bedside, and a loud report was the first intimation the burglar had that he had been indiscreet.

Firing Bullets in the Dark

With a cry of pain he rushed from the room, followed by the Judge. In the landing at the foot of the stairs he took a stand and began returning the fire. Face to face the men fired at each other until their revolvers were empty. Then the burglar escaped. The noise brought in the police and the neighbors. They found the Judge unharmed, buttihere were spots of blood on the floor indicating that the burglar had been nit. Later the man was captured, but he was so hadly wounded that he lived but a short while.

The circumstances "which led to the appeintment which was at first thought peculiar, are now coming to light. When a vacancy was caused on the Supreme Bench by the death of Justice Matthews the fitness of Judge Brown for the position was urged upon the President. Although it was then letermined to appoint Judge Brewer, of Kansas, the impression made upon the President in Judge Brown's favor was not effaced. It is an interesting incident of Judge Brewer's appointment that he expressed to the President a hone that any Brown, who was his classmate at Yale. might be settled in the latter's favor.

The Michigan Senators Divided. Judge Brown's nomination could not be made at that time, for the Michigan Senators were divided-Senator McMillan being for Russell and Senator Stockbridge for Brown. A year ago, however, in speaking of the matter to the Michigan Senators, who were then united on Judge Brown, the President said that if he ever had an opportunity to promote Judge Brown he would do so. The death of Justice Miller led the Senators to remind the President of his promise. He remarked that he remembered Judge Brown, but gave no evidence of his intentions. As a matter of fact, the Michigan Senators did not know. that Judge Brown came into the Senate, that Judge Brown would be appointed. They knew that Mr. Russell would not be, secause the President had so informed them, but this negative information was the extent of their knowledge.

After looking at the indorsements, piled mountain high, in favor of Mr. Russell and the other applicants, the President sent for Judge Brown's decisions and read them carefully. He found that they had been rarely overturned by the Supreme Bench. He found, too, that they had related almost entirely to admiralty and patent cases, and although Justices Blatchford and Bradley are well able to decide on the lew admiralty cases which now come into the Supreme Court, he saw the desirability of adding to the bench a judge who was familiar with patent cases. It was Judge Brown's record and experience that turned the balance in his favor.

The Part Played by Alger.

Justice Blatchford was a warm advocate of Judge Brown's appointment, and so was Judge Jackson, of the Circuit Court, of which the Michigan district is part. Secretary of War Proctor urged the appointment | it, there is a general impression that the matter of Mr. Russell. It has been reported in was practically settled in the House itself by

certain quarters that General Alger also urged the President on several occasions to appoint Mr. Russell, but it is more probable that if he took any part at all it was in favor of Judge Brown, who is a brother-inlaw of Colonel Henry M. Duffield, of Detroit, who is General Alger's political mannger and his most intimate personal friend. It is made apparent now that Judge Gresham has nothing to expect from this administration. His friends bave not thought that he was in line for recognition, and have been urging him again in Indiana for the Republican pomination for President. He has a great many followers in that State, and many of the leading newspapers there are friendly to him. They are now challenged by this appointment to go shead and do their utmost for their favorite. There is not likely to be any trouble over

MAINE MEN ARE MAD.

the confirmation of the nomination.

THEY WANT A NEW AND COSTLY PUBLIC BUILDING AT BAR HARBOR,

But President Harrison Vetoes the Bill Appropriating \$75,000 for the Purpose, Because He Does Not Think the Busines of the Place Warrants It.

IFROM A STAFF CORRESPONDENT. J WASHINGTON, Dec. 24,-Most of the epresentatives from Maine in the House and Senate are mildly "cussing" the President for his veto of the bill which appropriated \$75,000 for a public building at Bar Harbor, the pet summer resort of the Pine

Tree State, and especially since the House and Senate in their wisdom decided the building was proper and necessary. Following are the President's rea-"The statement of a few facts will show, I think, that the public needs do not justify the contemplated expenditure of \$75,000 for the erection of a public building at Bar Harbor.

87,000. Bar Harbor is almost wholly a summer resort. The population of the town of Eden—of which Bar Harbor forms a part—as taken by the census enumeration, was less than 2,000. "During one-quarter of the year this population is largely increased by summer residents and visitors, but for the other three-quarters it is not much above the census enumeration. The postal receipts for 1890, by quarters, show that for more than half the year the gross receipts of the postolice are about 88 per, day. The salary of the janitor for the new building would be more than twice the present cost to the Government for rent, fuel, and lights. I cannot believe that upon reconsideration the Congress will approve the contemplated expenditure."

The Maine men think it decidedly impudent The Maine men think it decidedly impudent in the "one-horse lawyer" to stamp a negative on the bill, and now they will pass it over the head of the "executive clerk." Stories are affoat that the President's action is at the instance of Blaine, to pay off some small grudges against Reed and Boutelle, who especially wanted the building, but that is pronounced a silly fiction, as Blaine is interested alike with ail of the Maine men to get a building for Bar Harbor. The demand for a building at that place is an old one which has always met with a rebuff.

THE SENATE'S SLOW PACE.

All Hope of Legislation Given Up Until After the Holidays.

ISPECIAL TELEGRAN TO THE DISPATCH.1
WASHINGTON, Dec. 24.—Whatever may con lation during the holidays. There is only about enough of the House left to meet and take a recess every three days, which is the only thing they can do in view of the refusal of the Senate ahead with its work, but its recess taken a noon to-day until noon Saturday was with the understanding that nothing would be done on Saturday except to take a recess till Monday,

"The Senate seems to be imbecile, even in the treatment of the question of holiday adjournment," was the remark of a member of the louse this morning, where he had heard the

House this morning, where he had heard the half dozen Senators present on the floor adopt the recess resolution. A Senator in favor of both the election bill and the "cloture" amendment to the rules, was asked by the correspondent of The Disparch to-day what would be the programme after the holidays. "Heaven may know," he exclaimed, "but the information is not abroad on the earth. I think it will be discovered by that time that the Republicans can't hold together on anything, and that the Democrats are only unanimous against the elections bill, and in that event we will have a few more caucuses and proceed to do nothing with an immense amount of energy. I wouldn't like to have my friend the enemy to know that I said it, but I don't mind telling you confidentially that I don't mind telling you I wouldn't like to have my friend the enemy to know that I said it, but I don't mind telling you confidentially that I don't believe there will be any legislation this session of a political or mancial character, other than the apportionment and appropriation bills." And that is the way a great many observers are coming to look at the phenomenon on Capitol Hill

The little time that the Senate was in session was devoted mainly to speeches by Mession was devoted mainly to speeches by Mession

as devoted mainly to speeches by Me lorgan and McPherson against the elect

FLAGS ON THE CAPITOL.

A Sergeant at Arms Who Wants to Se More of the Nation's Emblems.

SPECIAL TELEGRAN TO THE DISPATOR WASHINGTON, Dec. 24.-Ever since Judge Valentine was elected Sergeant at Arms of the Senate he has wondered why there was no flag flying over the capitol of the States, except when one or more of the esitation between himself and Judge branches of Congress was in session. The Stars and Stripes float every day in the year over all the public buildings here with the sole exception of the Capitol, and to remedy, this Judge Valentine has applied some of his large stock of energy.

This morning, at his instance, Senator Hale offered a resolution which provides for the erection of a flagstaff over the central portices erection of a nagran over the contral portions on both eastern and western entrances, and this resolution will be considered Monday. The only objection that can be made to the patriotic only objection that can be made to the patriotic proposition will be the one that confusion may result from a multiplicity of flags, because there are now two on the roofs, respectively, of the House and Senate when those bodies are in session. There need be no confusion, however, for any person who knows anything about the session flags and their location on the extreme ends of the Capitol cannot mistake them for the bunting which will soon wave above the central porticos with the great dome for a background. background,

THEY SANG ANNIE ROONEY.

How Some Members of the House Pass Away the Weary Hours.

WACHINGTON, Dec. 24.-There was an air of Christmas languor about the House wing of the Capitol. Within the chamber a few mem bers were scattered about writing letters, but not more than a dozen in all put in an appear ance. Those engaged with their correspon ence soon quit the task, and back of the seat

dence soon quit the task, and back of the seats on the Democratic side six or eight members gathered around a blazing wood fire and spent an hour of so rehashing amusing incidents of the campaign and telling once again how they lost or won the fight.

Over in one corner a dozen Congressmen clustered and sung "Annie Rooney" and "Listen to My Tale of Woe" to the accompanyment of several mouth organs. Most of the committee rooms were locked and holted, and with a few exceptions will remain so for the next two weeks.

THE NEW YORK RECOUNT. There is But Little Doubt That the First

Census Will Have to Stand, WASHINGTON, Dec. 24 .- The matter of th demand for a recount of the population of New York City, which is before the House Com mittee on Census, has gone over until after the holidays. While the committee will take up and formally consider the evidence laid before

the rejection of the amendment to the appor-tionment bill offered by Mr. Washington, of Tennessee, providing for a recount in New York City. Tennessee, providing to York City.

The extensive arguments made before the committee by Mr. Bowers and Superintendent of the Census Porter have not been printed. They will be ready when members return to Washington after the holidays, and an early washington after the believes the made.

WAITING FOR A DECISION

Railroad Men Who Have Been Progounced

in Contempt of Court. WASHINGTON, Dec. 24.—The investigation by the Chicago grand jury into the acts of railway officials already indicted is suspended, and awaits the judgment of the United States Supreme Court as to whether the witnesses it preme Court as to whether the witnesses in contempt, Messrs. Councilman and Peasley, must answer. When that is settled, the Chicago investigations will be renewed.

C. M. Lambertson and George G. Ingham, whose appointments as Associate or Assistant District Attorneys expire by limitation January 1, will be reappointed to assist in the trial and investigation. They have been so advised by the Attorney General.

RAUM AND HIS METHODS, The Congressional Inquiry Seems to be

About at an End. WASHINGTON, Dec. 24.-The Raum investigation has at last come almost to an end. The committee has about exhausted its inquiries, and after another meeting or two the majority and minority will prepare their reports. A few and minority will prepare their reports. A few questions relating to Commissioner Raum's financial affairs are still pending unanswered, awaiting Chairman Morrill's return to the city. The committee has once before refused by a formal vote to go into those matters, and if, as even Mr. Cooper thinks, that decision should be reaffirmed, there will remain practically nothing more to investigate.

RUSK FOR HARRISON.

Does Not Want His Name Used in Connec tion With the Presidency.

WASHINGTON, Dec. 24.-This evening Secre tary Rusk said that he was sorry to see his name connected with the article recently published giving a farmers' vote on Presidental candidates for 1892. He sincerely recretted any attempt to turn the attention of Republicans away from President Harrison as a candidate. His administration, he said, had been a clean one, directed to the best interests of the whole people, and he confidently looked for his renomination and reelection. tary Rusk said that he was sorry to see his

PLAYED-OUT WAR VESSELS.

Bids for Condemned Ships That Are of No Use to the Navy.

WASHINGTON, Dec. 24.—Proposals were to-day issued at the Navy Department inviting day issued at the Navy Department inviting bids for the condemned vessels of the United States navy, to be opened at the Navy Department March 25, 1891. The vessels, their valuation and their present location are as follows: Juniata, \$10,000, at Portsmouth, N. H.; Brooklyn, \$11,000, Norfolk, Va.; Ossippee, \$13,500, Norfolk, Va.; Speedwell, \$5,000, Norfolk, Va.; Pilgrim, \$500, League Island; Saugus, \$800, Washington; Rescue, \$500, Washington; Quinnebaug, \$13,000, Brooklyn, N. Y.

Three New Postmasters

WASHINGTON, Dec. 24.-Among the nomina tions of Postmasters sent to the Senate to-day were the following for Pennsylvania: W. R. Cole, Pottsville: H. A. Hayes, Kittanning, and Mrs. M. N. Hausberger, Tamaqua.

CHALLENGE TO SUCCL

Frenchman Willing for a Test of Abstinence With the Italian.

PECIAL TELEGRAM TO THE DISPATCH. NEW YORK, Dec. 24 .- To-day there was received the lotter published below. It was written on a sheet of paper about the size of a small circus poster, in dubious French. The writer was evidently intensely in earnest, and that he has challenged Succi six times, and that as can be gathered from his present challenge as can be gathered from his present chattenge he defles Succi to outlast him, and offers to shirt in with the Italian, and to let him be adjudged conquered who first cries enough. But the challenge speaks for itself:

"Parlon me the liberty of taking up your time with such a letter as mine, but an important affair compels me. I have read in-

time with such a letter as mine, but an important affair compels me. I have read in a newspaper that the celebrated Italian fast er, Succi, made a great stir with his fasting, recruiting himself on horseback, etc. Well, now, as a Frenchman, I sustain the honor of France, and I entreat you, sir editor, that you become my interpreter to Succi. I challenge him for the sixth time to make a long fast. It does not matter to me what city—anywhere that he chooses to call me—the same committee to watch us both and the same doctors. I am not a stranger to Succi nor to the newspapers, for they know me by the fasts I have made in public, the last being of 42 days at the Aquarium, London, this yoar. I am making a fast now which will be fully as long as that which Succi made in New York. I place myself entirely in the hands of the committee, which should be well fitted to carefully watch this new match. I remain at Christiania until January 23 or 24 next. After that my letters should be addressed to me at the station road, Crayford, Kent, Eugland. Pardon the length of my letter, sir editor. I entreat you to accept my humble and sincere salutatious. ALEXANDER JACQUES."

CHRISTIANIA, NORWAY, Dec. 20.

PATRICE WANTS DAMAGES

From a Chicago Man Who Trifled With Her Affections. ISPECIAL TELEGRAM TO THE DISPATCH, 1

CHICAGO, Dec. 24 .- An interesting courtship, promise of marriage and a broken heart, are the basis of a \$20,000 damage suit brought in the Superior Court by Mary Patrice Whitbeck, against A. P. Blakeslee. The plaintiff is ar actress and on the stage assumes the name of Patrice. Four years ago she was with the New York," and at present she is engaged with "The Midnight Call," at Jacobs' Northside Theater. She is the daughter of ex-Judge Whitbeck, of Hudson, N. Y. Mr. Blakeslee is D years of age and a prominent member of the Board of Trade. He is said to be a man of financial responsibility and according to the plaintiff's attorney, it is now only a matter of damages.

While playing at Hooley's Theater some time ago, Mr. Blakeslee was first introduced to the practy soules.

While playing at Hooley's Theater some time ago, Mr. Blakeslee was first introduced to the pretty soubrette. Their acquaintance began to ripen until the Board of Trade man began to think of marriage, For the last three weeks it said he has been constantly in her company, and up to ten days ago Mr. Blakeslee visited her frequently at the Sherman House. The actress has many letters her attorney says, that show conclusively that young Blakeslee was anxious to marry her and promised to do so, but he wanted the affair kept quiet.

With this end in view, Mr. Blakeslee took his flance to Waukegan, Ills., on December 13, at which place he thought he was in Wisconsin, where a marriage license is not required. Upon discovering he was in the wrong place it is said he brought Patrice back to Chicago, promising to take her shortly to Kenosha, where the ceremony would be performed. This he never did, and it is alleged that he backed out of the arrangement completely. So the matter is left for the court to decide the amount of compensation for injured affections.

LOST HIS MONEY AT FARO.

And Now He Socks to Recover It From the

Gambling House Keepers. ISPECIAL TELEGRAM TO THE DISPATCH. BALTIMORE, Dec. 24.-Suit has been brough by M. C. Burkhard, a salesman of this city, against the managers of Slater's fare bank to different times during the past two years. Burkhard kept an accurate account of the money he had sunk, and this he has filed in

money he had sunk, and this he has bled in court.

The losses run continuously from January, 1888, to January, 1889, and nine months to November inclusive in 1890. His highest loss any month was \$400, which was in January, 1889. He charges that the money was won from him at fare and roulette. In addition to the money lost Burkhard asks for damages. The suit is brought against Robert J. Slater, John Bolt and Kirk Bennett.

SIXTY PER CENT ACCEPTED. The Creditors of Ingalls & Co. Accept the

Terms Offered Them.

Boston, Dec. 24 .- At an adjourned meeting of the creditors of G. W. Ingalls & Co., boots and shoes, to-day, the cummittee of creditors recommended an acceptance of the proposition from Mr. Ingalls to pay 60 per cent of his indebtedness in four quarterly payments, in 8, 6, 9 and 12 mouths, at 6 per cent, the assets to remain in the hands of a trustee until all the notes are paid.

FOR THE DEFENDANT

The Supreme Court Says Oleo May be Sold in Original Packages.

STATE VERSUS NATIONAL LAWS.

The Right of Inter-State Commerce Cannot be Abolished, BUT THERE MAY BE POLICE REGULATION

ISPECIAL TELEGRAM TO THE DISPATCH.1 PHILADELPHIA. Dec. 24.-In the case of the Commonwealth against George Paul, as to whom a special verdict was rendered for selling oleomargarine, and who in his defense was represented by Henry R. Edmunds, Esq., Judge Reed has delivered the following decision:

By agreement of counsel there was found by jury the following verdict-special verdict: First-We find that Braun & Fitts are residents and citizens of and having their principal place of business in Chicago, in the State of inois. That they are engaged at that place in the manufacture of oleomargarine, and in selling the product of their factory in original packages of ten pounds and upward through

The Purchase by Philadelphia Parties.

Third-The said defendants, acting as the agents of Braun & Pitts, as aforesaid, and while holding and working under said licens sold for them in an original package of 6 pounds of oleomargarine, manufactured by said Braun & Fitts at Chicago, in the State of said orann & Fitts at Chicago, in the State of Illinois, and imported by them into the State of Pennsylvania to one John M. Morris, of the city of Philadelphia, Pa., to-wit., on the 9th day of October, 1880. Fourth—That the said package in which the

Fourth—That the said package in which the defendants sold the said elemargarine was the same package in which it was put up in by Braun & Fitts, at Chicago, and imported by them and at the time of said sale by defendant the said elemargarine was the property of said Braun & Fitts.

The question which arises upon this state of facts is whether the act of Assembly approved May 21, 1885, P. L. 22, is sollmited by the law of the United States that it does not apply to a person who has received from another State and holds for sale in its original package the article known as elemargarine. Whatever may be the extent of the sovereignty of the States composing our Union, and whatever concession they may have made to the Government of the United States, there can be no doubt that there remains in each State a police power, and that there belongs to the Federal Government the right to regulate commerce between the different States.

Duty of the Court in the Premises. Duty of the Court in the Premises.

It is plainly, therefore, the duty of every court in the land to see that both of these rights are maintained, and that where they seem to be in conflict they should be reconciled as far as it is possible to do so. In the present case the State of Pennsylvania, through its Legislature, has, by an act of Assembly, ap-

Legislature, has, by an act of Assembly, approved May 21, 1885, entitled "an act for the protection of the public health to prevent adulteration of dairy products and fraud in the sale thereof," enacted that:

"No person, firm or corporate body shall manufacture out of any eleginous substance or any compound of the same, other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from manufacturated milk or cream from the same, or of any imitation of adulterated butter or cheese, nor shall sell or offer for sale or have in his, her, or their possession with intention to sell the same as an article of food."

Pa. C. C. R. 26, I14 Pennsylvania State 208, 127, United States 678, the State of Pennsylvania State 208, 127, united states 678, the State of Pennsylvania State 208, 127, the state of the State, and the Court of Common Pleas of Dauphin county, Pa., the right so to enact. So far, also, as to all transactions beginning and ending within the State, the State exclusively applies. Mugler versus Kansas, 123, United

Commerce Between the States As to transactions between citizens of differ ent States the right of the United States is exclusive. Leisy versus Bardin, 135, United States, 100. To this legislative power of declaring non-merchantable, and, as it were, contra band, any article of commerce or consumption there may have as yet been no limits suggested in the decisions upon this subject, and for the purposes of this argument it may be assumed that there are none such.

As clearly as the States on the one hand have As clearly as the States on the one hand have this right to forbid the sale or possession for the purposes of sale of any article which the Legislature may deem it wise to condemn, there belongs, on the other hand to the United States, the right to exclusively regulate commerce between the States. It has been decided by the Supreme Court of the United States that until the original bulk is broken and the goods become mingled with the common mass of property within the State, the right of an individual to import from another State and sell any merchantable article which is legitimate subject of trade and commerce, is superior to the right of the State to forbid its mate subject of trade and commerce, is su-perior to the right of the State to forbid its sale. Leisy versus Hardin, supra. This ex-emption of original packages has been recog-nized by the Legislature of Pennsylvania in the fourth section of the act of March 31, 1856, pamphlet laws 200. a license law which enacted

ages. The question might have arisen whether

as follows: 'The provisions of this shall not ap ply to importers selling imported wines, brandy etc. in the original bale, cask, package or ves sel, etc." It was decided in Leisy versus

oleomargarine, or imitation butter, is in worse position than whisky or rum, and it might have been necessary, until a tribunal of ultimate appeal should decide the contrary, to say that the flat of the Legislature of Pennsylsay that the flat of the Legislature of Pennsylvania was conclusive in declaring non-merchantable any article designated to take the place of butter if made out of any cleaginous substance other than pure milk or cream. But in the opinion of this court, the substance whose sale is sought to be forbidden by the act of Assembly of May 21, 1885, does not come within the exception laid down in Leisy versus Harding, for the reason that the United States, to which belongs the right of regulating commerce between the States and of declaring what shall be the subject of commercial transactions, has, by act of Congress of Ancust 2, 1886 (United States Statutes as large, 209), declared that cleomargarine is a merchantable article and is a legitimate subject of trade and commerce, and has by this act regulated its sale.

Patterson vs. Kentucky, 97, U. S. 501, which is strongly relied upon by the prosecution, held that the police regulation of the State of Kentucky forbidding the sale of illuminating

oil unless the latter was up to a certain fire test was valid. The test was a reasonable one, and the court decided that the fact that the plain-niff held letters patent of the United States entiting him to the exclusive right to the sale of the oil in question, did not exempt him from the effect of the State law which regulates of the oil in question, did not exempt him from the effect of the State law which regulates such sale within the State. The court quoted with approval the argument that a person might, with as much propriety, claim a right to commit murder with an instrument because he held a patent for it as a new, useful invention. It is enough to say in this case that the State law regulated, and did not prohibit, as does the Pennsylvania act of Assembly of May 21, 1885, and the importance of this distinction is well stated in Patterson vs. Kentucky, page 506. "This court has never hesitated by the most rigid rules of construction to guard the commercial power of Congress against encroachment in the form or under the guise of State regulation established for the purpose and with the effect of destroying or impairing rights secured by the constitution. It has nevertheless, with marked distinction and uniformity, recognized the necessity growing out of the fundamental conditions of civil society of uphoiding State police regulations which were enacted in good faith and had appropriate and direct connection with that protection to life, health and property, which each State owes to her citizens." See also Crowley vs. Christenson, II. L. C., Rep. 15.

Prohibition and Not Regulation.

Prohibition and Not Regulation. That the Pennsylvania statute is not a mer regulation is shown by its items, especially when these are read in connection with the act of Congress of August 2, 1886. The Ponnecies of August 2, 1886.

article is manufactured out of any article other than that produced from unadulterated milk or cream from the same. The act of Congress on the other hand, recognizes a difference between oleomargarine of pure and innocuous character and such as may be delected.

Section 14 provides that the Commissioner of Internal Rovenue "may also decide whether any substance made in imitation or semblance of butter and intended for human consumption contains ingredients delicerious to the public health, etc." and section 15 provides for forfeiting of packages containing deleterious oleo. The act of Congress also carefully defines both butter and oleo in the first and second sections thereof, which read as follows: "That for the nurposes of this act the word butter shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream or both, with or without salt and with or without additional coloring matter."

Judgment Given for the Defendant. To recapitulate, the chain of reasoning in

this case is as follows: First—The right of the State to enact police laws, at least when such laws prohibit the sale of articles which, without prohibition, would be legitimate subjects of commercial inter-change is subordinate to the power of the United States to regulate commerce between the States.
Second—The right to sell in the original pack-

age, goods imported from another State, if the latter are merchantable and legitimate subjects of trade and commerce, is guaranteed by the United States, and though it can be regulated, it cannot be prohibited by any State.

Third—The United States has the paramount right to declars what goods are merchantable. right to declare what goods are merchantable and what regulations for their sale are reason able.
Fourth—By an act of Congress, the United

their agents, the defendants, at Philadelphia, Pa.

Second—That said Braun & Fitts caused a license to be taken out at Philadelphia aforesaid from the United States for these said agents, the defendants, to make sales of oleomargarine in original packages by wholesale, in accordance with the provisions of the act of Congress of August 2, 1886.

The Purchase by Philadelphia Parties. HIGH JINKS ON 'CHANGE,

WALL STREET BULLS AND BEARS EN-

GAGE IN A FROLIC. It is Their Time-Honored Christmas Eve Custom, and Yields Great Amusement to

the Numerous Participants and Specta-

tors-A Complimentary Presentation. NEW YORK, Dec. 24.-The day before Christmas has long been an occasion for "High Jinks" on the various exchanges of the metropolis, and to-day was no exception to the rule, although the fun was not so fast and furious as on numerous former occasions. There was a mild streak of merriment present at the Stock Exchange, and the visitor's gallery was crowded with people who wanted to see the fun. There was no prearranged grand demonstration, however, and the reason given by an orderly confidentially to a reporter

was, "They're too poor."

Shortly after 10 o'clock, however, there was a pleasant occurrence. Chairman James Mitchell was escorted to the desk, where A, D. Cardova proceeded to harangue him, and in be half of the members of the Exchange presented him with a beautiful set of expensive orna-mental table glassware of about 100 pieces. Mr Mitchell was completely taken by surprise, but recovered himself and made a cheerful re-

decidedly informal.

Then somebody threw among the crowd several miles of ticker tape. One of those wild tackles at a football game was mild in compari-son with the rush which was made for it. One son with the rush which was made for it. One broker emerged from the rush in such a dilapidated-condition that somebody thought it was necessary to pin his name on his back so that his friends might recognize him, and during the remainder of the "High Jinks," the victim went around properly labeled. The bleating of the lambs, in which the outside public was invited to join, was numerous and loud. Many new hats were badly fractured during the melee; many shouted themselves hourse, and still many more feel sore in spots, but everybody nany more feel sore in spots, but everybod njoyed it, spectators all, particularly the ladie the filled the galleries.

ORIECT TO THE OUESTIONS

Manufacturers Who Think the Cer

People Too Inquisitive. REPECTAL TELEGRAM TO THE DISPATOR . PHILADELPHIA, Dec. 24,-Some of the man cturers of this city are objecting strongly to answering all the questions that are asked by the collectors of the manufacturers' census. The firms which refuse to give the enumerators answers to all their questions do not object 'to furnish and production of their establishments and the nen employed, but refuse to give a detailed account of their business as to profits and cost of production. Among other firms which have refused to answer all the questions is the Spreckels Sugar Refining Company, Mr.

preckels said:
"The Census Commissioner called on me and "The Census Commissioner called on me and asked me if I would be willing to give information about our production, the purchases, the number of men employed, etc. I told him we would, and referred him to Mr. Huber, our accountant. The inquiries into the most minute details of our business Mr. Huber objected to, and applied to me about the matter. I agreed with him and told him not to answer the question. Some of the questions in the schedules were as pointed as if they had asked me what had come in with the morning mail, or how much come in with the morning mail, or how much ink we used in conducting our business." Mr. Spreckels said he did not know of any Mr. Spreckels said he did not know of any concerted movement among business men to refuse to answer the question, but simply acted for his own firm in refusing to answer. When asked what course he would take if steps were made by the commissioner to compel them by law to answer the questions, he said: "We will simply refor the matter to our attorney." The manufacturers who are said to have refused to fill out their schedules are Harrison, Frazier & Co., and the Baldwin Locomotive Works.

JOHNSON'S GREAT FALL

Blown Over One Hundred Feet Into Quarry and Rescued Uninjured. [SPECIAL TELEGRAM TO THE DISPATCH.] BANGOR, ME., Dec. 24.-A man named son, of Monson, was standing on the edge of a quarry a day or two ago and was blown wind. He landed in a small drift 120 feet below and sank in ten feet of the snow. He was dug out by companions who fully ex-pected to find a corpse. His nerves were a little unsteady, but that was the only unpleas-ant result of his fall.

AN OBSTINATE EX-TREASURER.

He Refuses to Surrender Society Funds in His Possession. FALL RIVER, MASS., Dec. 24.-John B. Cooney, ex-Treasurer of the Trades Conneil has been arrested on a charge of larceur, on the complaint of the officers of the Council. The offense alleged is, that Cooney has re-tained funds belonging to the organization, and has resisted every effort of the officers to obtain possession of either this balance or the

A VICTIM OF MELANCHOLIA. A Patient in a Missouri Insane Asylum Com-

mits Suicide. St. Louis, Dec. 24.—Mis. Assylum, commit-tient at St. Vincent's Insade Asylum, commit-ST. LOUIS, Dec. 24.-Mrs. Annie Smith, a pa ted suicide this morning by hanging herself to the transom of her room with a bed sheet which she twisted into the shape of a rope. She was suffering from scute melancholia.

VERY EASY DIVORCE.

Hebrew Rabbi Who Grants Them to Members of His Faith.

CASE BEFORE A NEW YORK COURT.

The United Hebrew Charities Assisting in the Prosecution.

EIGHT DOLLARS MAKES A MAN FREE

SPECIAL THERGRAM TO THE DISPATOR,1
NEW YORK, Dec. 24.—"I have had apdications to-day from more than 20 women for warrants against their husbands for abandonment," remarked Police Justice Hogan in the private examination room of Essex Market Court. "It is an evil which has reached alarming proportions in this quarter of the town. The amazing feature of it is that it is based on the unlawful practice of certain Hebrew rabbis who grant divorces to whomever will pay for them. The applicants for rabbinical divorces believe their marriages have been legally annulled and hundreds of them marry again and render themselves liable to punishment for bigamy."

Justice Hogan's experience during the past three or four months at Essex market, has given him some insight into a peculiar institution which has been imported into this country by a great horde of immigrants who have been driven to America by Russian prosecution. It is a custom which for years has been practiced on the densely popugrown into an evil which furnishes a serious problem for public and private charitable insti-tutions and for the conservators of public

A Case That Shows the Evil. "Comparatively few of these cases come be-

fore me," said Justice Hogan this afternoon,
"It is seldom that a deserted wife applies here for a warrant unless she has children whom she is unable to support. The number of cases brought to my attention is no indication of the extent of the evil. I listened to a typical case extent of the evil. I listened to a typical case only a few minutes ago. A young husband tired of his wife just as she was about to be confined. He applied to his rabbi for a writing of divorcement and received it. He served it on his wife, gave her a few dollars and left her. He agreed to marry another woman and the ceremony would have taken place before the end of the week if he had not been arrested." It happened by an interesting coincidence that two movements were entered upon to-day which have for their object the eradication of this unlawful custom among the many thousand foreign-born Hebrews, who make up a great proportion of the population in the most densely peopled quarter of the town. The grand jury took the matter in band in a public presentment of the evil in court, and the United Hebrew Charities entered upon a crusade which is intended to suppress the practice by criminal presecutions.

The Grand Jury Opens Up an Inquiry. The grand jury has been investigating the matter thoroughly. They sought information from Chief Rabbi Joseph, representing the orthodox Rebrews, and from Rabbi Gottheil,

orthodox Hebrews, and from Rabbi Gotthell, representing the reformed Hebrews. They also heard testimony in several cases where these illegal divorces were granted. The presentment handed up by the grand jury to-day concludes with these recommendations:

"The grand jury are of the opinion that the granting of these so-called divorces, until after a valid decree of divorce has been issued by a court of competent jurisdiction, should be absolutely prohibited by law, and be declared a misdemeanor, punishable for a first offense by a fine, and for a second offense by imprisonment; and that, upon the passage of such a law, proper measures should be taken for instructing persons affected thereby of its provisions." Judge Martine promised to forward the presentment to the proper authorities.

Hebrews Assisting the Authorities.

The action decided upon by the agents of the representing the reformed Hebrews. They also heard testimony in several cases where these illegal divorces were granted. The presentment handed up by the grand jury to-day concludes with these recommendations:

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The action decided upon by the agents of the United Hebrew Charities is in the line of enforcement of existing laws. They will make the ease above quoted by Justice Hogan a test one. The husband, Kapel Harris, will be held

to strict accountability, and if a case can be made against the rabbi granting the divorce he will be prosecuted. Arnold B. Ehrlich has charge of the matter for the societies, Mrs. Harris lives at 56 Forsythe street. She is 19 years old. Her husband got her to sign this "NEW YORK, Oct. 14.

"Known by all these presents that I. Chaie Kirshovitz, of the city, county and State of New York, in consideration of the sum of \$8 (eight dollars) lawfu! money of the United States to me paid by Kopel Harris, of same place, for the release of said Kopel Harris from me as a husband, which he was to me until now, and I hereby agree not to have any claims against him whatever, and will not bring any suit against said Kopel Harris in any civil or criminal courts to support me er a child which criminal courts to support me or a child which I may have hereafter from said Kopel Harris, and I also allow said Kopel Harris to get married to whom he may choose, and I will not interfere with any one he may get married to, and will have no claim to him as a wife foreve om date. CHATE HIRSHOVITZ,
"Signed in presence of Moritz Tolk."

Ready for His New Speuse. Neither Harris nor his wife can read English but the man undoubtedly believed that he was free through this document, from his marital conds and obligations. For several months Harris has been paying court to Betta Crous Her brother-in-law agreed to set her husband up in business, and so Harris bound himself to

up in business, and so Harris bound himself to marry Beta Friday afternoon at 4 o'clock. The invitations for the wedding were out, rooms for the couple's occupancy were engaged, and the dinner bespoken, when Mr. Erhlich swore out a warrant against him for deserting his wife and he was arrested.

Harris' intended brother-in-law appeared with him before Judge Hogan in the Police Court to-day and appealed to have Harris set free, on the ground that everything was ready for his wedding, and it would be such a disappointment if he was prevented going on with it. Harris exhibited the agreement above quoted to show that he was free. Justic Hogan told him through an interpreter that if he married again he would be sent to States prison for bigamy, and held him to answer the charge of deserting his wife.

A DESPERATE SENATORIAL FIGHT. The Seats of Five Democratic Assemblyme to be Contested.

CHICAGO, Dec. 24.-Chairman "Long" Jones of the Republican State Central Committee, gave notice to-night that the right of five Democratic State Senators elected to sit in the Legislature would be contested. This is the latest maneuver in the fight for the United States Senatorship from Illinois. The notices were withheld until the last mom by law, the motive for delay being, it is understood, to avoid stirring up the Democrats to possible reprisals. The State Senators upon whom notice was served are Noonan, of the First district; Caldwell, of the Thirty-ninth; Arnold, of the Thirteenth; Dawkins, of the Seventeenth; and Coppinger, of the Four-

General charges of bribing voters and promises of office in the organization in the General Assembly are the main grounds set forth for the contests, except as to Dawkins, who is alleged to be ineligible because of foreign birth. With the contest against Merritt, of Springfield, there is now a controversy raised as to a half-dozen Democratic seats and a pair of Republicans. The Legislature is almost evenly divided between Democrats and Republicans on joint ballot, with three Farmers' Alliance men apparently bolding the balance of power. The avowed candidates, so far, are General John M. Palmer. Dem., and Charles B. Farwell, Rep., who is the present incumbent. The straigle promises to be fully as fierce and sensational as the memorable one in which the late General John A. Logan defeated "Horizontal" William B. Morrison, now a member of the Inter-State Commerce Commission. eral charges of bribing voters and prom-

A DIVORCE LAWYER ARRESTED. He is Charged With Procuring Bogus Writs

From Courts.

NEW YORK, Dec. 24.—William Duryes Hughes, the lawyer who ran the bogus divorce mill on Brondway, was arrested at 5 o'clock this afternoon and locked up at police headquarters. Detectives Reilly and Tra found him is hiding at 685 Third avenue. To the police Hughes gave his occupation as that of a lawyer, age 48. The arrest was made on a bench warrant issued by Judge Martine,

HICAGO

HARRISON AS SANTA CLAUS.

on the complaint of ex-Mayor Pendleton, of Fort Worth, Tex., one of his victims. No other arrests were made in connection with the bogus divorce concern to-night, but it was inti-mated that Campbell and Buttner, Hughes' ex-

CHICAGO IS HAPPY.

HAR IS AND AMELIONE

18 AND AMELIONE

Active Work to Begin 2 19 19, Now
That the Existence of the sition is

Control to be Called.

Officially Guaranteed - The Board of

CHICAGO, Dec. 24.—President Harrison's

roclamation was no surprise at the World's

Fair headquarters, but it was everywhere

regarded as a most enjoyable Christmas

rift. The Directors and every ordinary cit-

izen who stopped buying presents long enough to hear about the proclamation were delighted. The status of the Exposition is now settled.

hicago is to have a World's Fair-the world

The preclamation marks an epoch in the Ex-position. Up to this time the work has been

n paper, and represented the civic organiza-

tion of the enterprise. All the material, sub

tantial work depended on this preliminary

ganization. No digging or building could be

oficial. Every lick and brick now will produce greater results than if the proclamation had been issued a month or two ago and forgot-

ten."
The Board of Control will probably be called

to meet in a few days to appoint a committee to visit the Legislatures and keep the agitation warm during the sessions of the Appropriation Committees. The Legislatures of a number of

Committees. The Legislatures of a number of States will meet in ten days or two weeks. Heads of more bureaus will be appointed as soon as the new headquarters are occupied, and the moving beeins to-morrow. Preparations for the digging will be begun at the next meeting of the Directors. From this time on the work will be visible. It will make holes in the ground and structures in the air.

MRS. MOORE'S NERVE.

Through Her Efforts a Bold Burglar

Caught by Her Husband.

ISPECIAL TELEGRAM TO THE DISPATCHAI

to-night, of Frank Harris, a notorious thief.

Under the flare of the electric light, and before

the gaze of hundreds of amazod pedestrian Harris smashed the window of the jewels store of Edward Moore, at 4073 Harverfoo street, and grasped a bandful of the valuable on display.

Mrs. Moore was close to the window inside. She seized the burglar by the wrist and shouted loudly for her husband. Mr. Moore ran to her relief, but before he could get outside the burglar succeeded in wrenching his hand free. He rushed down the street with his booty, closely followed by Edward Moore and his son William. They succeeded in catching up with the thief about a square distant.

Villiam was the first to seize him, but

Harris turned upon young Moore and fired at him, the builet passing close to his head. Edward Moore, the father, caught

THE STATE LAW WRONG.

Lost Some Offices.

ISPECIAL TELEGRAM TO THE DISPATCH.

of 1889 enacted a law providing for cumulative

voting for representatives to the State Legisla

ture in districts where more than one is to be elected. Under this statute the Republicans of the Detroit city district, which is entitled to 7 representatives, cumulated their votes upon four candidates, and in Grand Hapids, which

is entitled to two representatives, upon one. In each instance Democratic boards canvassed the cumulative ballots as a single vote and issued certificates of election to all the Democratic candidates,

The Supreme Court was asked for a mandament course the issuing of certificates to the

mus to compel the issuing of certificates to the Republican candidates. In denying the appli-cation Chief Justice Champlin says that

cation Chief Justice Champlin says that the constitution of implication forbids any elector to cast more than one vote for any candidate and it is not in the power of the Legislature to give to the choice of an elector more than a single expression. All the Jus-

WILY ENDIANS ESCAPE

Surrendered to Him.

nore than a single express

LANSING, MICH., Dec. 24.-The Legislature

well knows it and is invited to attend.

CARGLAMATION A WELCOME

THREE CENTS.

SHE IS TRULY A HEROINE.

Romance of the Once Famous Lemon Bunko Case of Allegheny City.

THE REAL CULPRITS DISCOVERED.

All Caused by the Husband's Resemblance to a Notorious Crook.

FORCED EVEN TO PLEDGE HER JEWELS

Christmas to-day will come with its burden of joys and sorrows to all. Each will have his or her enjoyments, but undoubtedly the happiest person in all the State will be pretty Mrs. Frank B. Aldrich. Yet hers will be a happiness of giving, for this morning she will hand to Warden Wright the pardon for her husband Frank P. Aldrich, who is now an inmate of the Western Penitentiary under seven years' sentence for robbing old Mr. Lemon, of Allegheny, of \$10,000.

but in those two years his plucky little wife has proved herself keener than the best detectives of the county. Her labor in the past two years would form the groundwork for a novel, for she has proven beyond a doubt that her husband did not commit the crime for which he was sentenced. She has clearly shown that the sword of isstice tell unjustly and branded one with the stigma of "convict" who ought to be free as air. She has even gone further, and has found the men who committed the crime, although the detectives have been unable to locate them. Since they took the \$10,000 they have made several trips to Europe, but so far have not

Beginning Her Self-Imposed Task. When the doors of Riverside closed on

the Cincinnati Commercial-Gazette. Mrs. Aldrich first interested the Rev. Mr. Beatty, of Columbus, O., in the case. He wrote letters to the Pennsylvania Pardon Board and to Warden Wright. From that she traveled all over the country, procuring evidence and enlisting in her cause prominent men. At Harrisburg she found a friend in Secretary of State Stone, and in Washington she enlisted the sympathies and powers of Senators Quay and Ingalls. She went from city to city and stimulated the police to greater efforts. Her money failed, but her own jewels she took and sold. The result was she proved a case of mistaken identity. Her case was so strong that even in the face of a scorehing letter from Judge

Collier the pardon was granted. This morning's mail will bring to her the lease from prison and dishonor. She started with a fortune, To-day when the husband and wife meet in the corridor of the Penitentiary between them they will not have enough to buy a suit to cover his prison garb. But that will not mar the ectasy of the meeting. Her end has been gained, and although both health and fortune have been lost treedom has been regained, and with that brave little woman beside him could

all. Two years ago old Mr. Lemon was ncoed out of \$10,000 in Allegheny. The job had been a clever one. Every track had been PHILADELPHIA, Dec. 24.-A hold attempt a tovered. No clue could be found to the consurglary, followed by a desperate effort to fidence men. All there was, was but an inescape in which a man was shot and a woman's listinct memory of a face left on the mind of pluck showed itself, is the story of the ensational arrest in West Philadelphia

old man Lemon.

While mit the local officers were at sea, Matt Pinkerton had no trouble locating the man at Windsor, Ont. Detective Murphy, now Chief Murphy, of Allegheny, went with Pinkerton to

Frank Aldrich was brought back and given a trial. Mr. Lemon declared Aldrich was the man who played the game the day he lost his Michigan Republicans Who Unwittingly

trial. Mr. Lemon declared Aldrich was the man who played the game the day he lost his \$10,000. Aldrich was convicted and sentenced by Judge Collier to soven years in the Riverside Penitentiary.

Before he was arrested Aldrich's home was at Stanford, Kas. He had a neat house there, all paid for, and a happy little wife. They had no children. Aldrich was well known. He was a circus man and bors a good reputation. At the trial half a dozen of the best citizens came from Stanford to Pittsburg and testified as to Aldrich's character, and also to the fact that Aldrich was at his home in Kansas at the time the old man gave up his senses and his \$10,000 in Allegheny. One of these witnesses was Frank Cox, the owner of these witnesses was Frank Cox, the owner of the Frank Cox Bank, of Stanford. W. D. Porter was then District Attorney, and he built his case on the fact that Mr. Lemon identified Aldrich. His idea caught the jury and Aldrich lost hope and freedom.

Not so with the brave little woman, his wife, She commenced a line of work which has ultimately secured his pardon. Prominent men everywhere she interested in the case. She proved Matt Pinkerton to be a blackmailer and only a few days ago the Chicago papers published columns showing up Pinkerton's crooked actions in other matters.

She took up the idea that her busband must have boru a marked resembliance to the real

Colonel Sumner Loses the Braves Who Had

ISPECIAL TELEGRAM TO THE DISPATCH. PINE RIDGE, S. D., via RUSHVILLE, NEB Dec. 24.-Big Foot and the Sitting Bull braves who surrendered to Colonel Sumner day before yesterday, and were being escorted to the Missouri river, escaped and fled south to Kicking Bear and other hostiles. Colonel Sumner who mourns the loss of 200 braves, telegraphed this information this morning. It set this camp into an uproar, In an hour four companies of Ninth Cavairy, with pack mules, two Hotchkiss guns and one mortar, trotted down the road and over the hills. A wagon train and escort followed, Colonel Henry is in charge, but it is probably too late to prevent the union of the warriors and will go into camp on White river, 20 miles east of the Bad Lands. The Seventh Cavairy will probably leave in the morning and attack the redskins from the south. The peace party now stands no show, and a battle between the Seventh and the Indians in Bad Lands is now considered a certainty. vesterday, and were being escorted to the Mis

HER DEVOTION WON.

How Frank Aldrich's Pretty Wife Freed Him From Prison and Disgrace.

He has served two years of his sentence,

Frank Aldrich two years ago the plucky little woman found herself possessed of about \$8,000, the earnings of a lifetime, and the firm belief that her husband was innocent. She if one of the McLeans, of Ohio, and is a near relative of John McLean, of

anyone dare call him "thief." A Crime Enveloped in Mystery.

The story of the crime for which Frank Aldrich has unjustly suffered is familiar to

Pinkerton, of Chicago, appeared on the scene and represented himself as one of the great detectives of that city. He, however, afterward proved to be no relative of the Pinkertons, and was not connected with that agency. tons, and was not connected with that agency. He met Mr, Lemon, and for \$1,200 offered to locate one of the three men who had awindled him. Connected with Matt Pinkerton was a well-known bunco man named Quinn, who had served a term in the St. Louis Pententlary. This man had a grudge against Frank B. Aldrich, who, by the way, was well known in show circles. The description given by Mr. Lemon tailied with that of Aldrich, and Pinkerton had no trouble locating the man at

Brought Back and Convicted.

After considerable trouble in the courts there

She took up the idea that her busband must have born a marked resemblance to the real criminal, and started detectives to hunt for a bunco man who resembled Frank Aldrich. The Real Criminals Ferreted Out, Her methods were correct, and a man named Ludlow-famous all over the world as a conidence man-was found to be the man who really did the job with two asso names are known to the police of several cities.

The proof shown to Chief Murphy was so con-

The proof shown to Chief Murphy was so conciusive that he willingly made afflicit that Aldrich was not the man. The Chicago Pinkerton and the Pittsburg police made similar statements. They had traced the real thieves to Eurone and back several times since the robbery but have been unable to catch them. They also said it was useless to prosecute them as long as Mr. Lemon believed Aldrich was the robber while he was under sentence for the robbery.

These with a mass of other evidence were laid before the Pardon Board by John Morrow, Esq., and Mrs. Aldrich Tuesday a week ago. The Board had decided they would only allow each attorney lo minutes for his case, but when the romances and plots of the famous bunko case began to unravel the board forgot all rules and listened and asked questions for a full two

(Continued on seventh page.)