

COURT HOLDS PURE FOOD LAW IS UNFAIR

Pennsylvania Law Declared Not Constitutional

MAY GO TO SUPREME COURT

Commissioner Foust Unprepared for Decision—Will Consult the Attorney General.

Hollidaysburg, Pa.—The Pennsylvania pure food law of 1907 was declared unconstitutional in a decision filed by Judge Martin Bell in the Blair county court. This is the first opinion from the State courts on the new legislation.

The decision was made in a case in which C. M. Kephart, an Altoona grocer, has been fined by an order for selling peaches preserved in acid. The order was reversed.

Judge Bell decided the law violates Article 3, section 4 of the State constitution. He said: "How can a judge be supposed to take official notice of some bulletin issued by the United States pure food commissioner? Possibly after he had directed the conviction of a defendant he would discover that the United States pure food commissioner had changed his rulings and the conviction was wrong. To allow the law to be determined by such bulletins would be to render confusion twice confounded.

"The act of 1907 deals unfairly with wholesalers and jobbers in Pennsylvania. If such parties give a guaranty to a retailer and the goods are adulterated they will be prosecuted forthwith in this State. But suppose the retailer buys from a wholesaler in New York and the goods are found to be adulterated.

"All the remedy the pure food department of Pennsylvania has is to notify the pure food department of the United States of such adulteration and it is very conceivable that in the crush of business in the United States courts in the city of New York no prosecution would ever come to trial against the New York wholesaler who sold adulterated goods.

"Consequently he could afford to sell goods at a much lower rate than our own Pennsylvania wholesalers and jobbers, because the chances would be that he never would be tried for 'selling adulterated goods.'"

Commissioner Foust's Opinion.

Harrisburg, Pa.—When asked his opinion as to the decision of the Blair county court declaring unconstitutional the Tustin pure food act of the last legislature, Dairy and Food Commissioner James Foust said:

"Until I can read the decision I cannot discuss its effect, except in a general way. I can say, however, that the decision cannot affect the laws governing the sale of oleo, renovating butter, cheese, fruit, syrups, vinegar, fresh meat, milk, fish, game and shellfish for these acts of former legislatures were specifically retained in force by the terms of the Tustin bill.

"The case in the Blair county courts was known as the Kephart case, the charge relating to the sale of California fruit preserved with sulphuric acid. A case stated was submitted to the court by agreement of counsel. "This case directly involved sections five and eight of the Tustin act, the question being in a general way whether the provisions of the Federal law and the rules of the Federal department of agriculture could be read into the Pennsylvania law by mere reference.

"I shall take the matter up with the attorney general, of course, before deciding on a plan of action."

JOHNSON WILL ACCEPT

Listens to Call of Party, but Would Have Declined if Consulted.

St. Paul, Minn.—Governor Johnson announced he would accept the nomination for Governor tendered him by the State Democratic convention:

"After due consideration of the matter, and before I have been formally notified," said he, "I will tell you I have made up my mind to lay aside all personal considerations and listen to the call of the party. I will accept the nomination when it is formally tendered to me. I desire to state also, and to make it emphatic, that if the committee had called on me before the nominating speech had been made I would have positively declined to be a candidate. This acceptance is contrary to my better judgment. I have given this matter the closest thought for the past 24 hours, and my first opinion, that a third nomination is unwise and against the principles of the party, is unchanged; yet I hardly see how I can get away from making the race without putting the party in a hole." Governor Johnson has received a telegram of congratulation from W. J. Bryan.

Endorse Gompers.

Trenton, N. J.—The State Federation of Labor adopted by a close vote the resolution endorsing the policies of Samuel Gompers. Its passage followed an unsuccessful attempt to adopt a resolution endorsing Bryan, which was headed off by a resolution declaring it to be the sense of the delegates that no resolution of a political nature should be considered.

FIND LOST SUANISH MINE

Americans Discover Hole from Which \$5,000,000 Was Taken.

Dallas, Tex.—Postmaster Simpson of this city, received a letter from C. Owen & Bro., of Trawick, Tex., urging him to send them an expert in gold washing.

They claim to have discovered the famous lost Spanish mine from which more than \$5,000,000 in gold was taken. They offer a one-third interest to such an expert.

ARRESTED FOR BIG THEFT

Accused Had Been Discharged from Government Service for Negligence.

Chicago.—The mystery of the theft of \$173,000 from the United States sub-treasury a year and a half ago, one of the largest losses the government has ever suffered in this manner, is believed to have been solved by the arrest of George W. Fitzgerald. Others are believed to have been implicated in the crime, which for months completely baffled government secret service men.

Fitzgerald was an assenting teller under Assistant United States Treasurer William Boldenweck. Suspicion at the time of the theft, February 20, 1907, rested on him, but so plausible was his story and so intense has apparent interest in discovering the real culprit, that interest ceased to center in him.

Much work was done on the theory that the crime had been perpetrated by a colored man. Meanwhile Fitzgerald was discharged from the government employ for culpable negligence in allowing such a theft to be consummated under his eyes.

UNCLE SAM FILES PETITION

Document Deals Severe Rebuke to Judges Who Overturned Big Standard Fine.

Chicago.—The government's petition for a rehearing by the United States Court of Appeals of the case against the Standard Oil Company of Indiana was filed and represents it authoritatively stated, the administration's attempt to save the Elkins act and the interstate commerce law from becoming futile.

The government has no expectation of having its plea granted. When the request for a rehearing is refused the next step will be to get the supreme court to vacate the decision of the appellate court by the issuance of a writ of certiorari.

In a caustic criticism of the court of appeals the government declares its act has converted the antitrust and rebating laws into dead letters and opened wide the gates for all sorts of corporation abuses in interstate commerce.

FORTY PERSONS DROWNED

Terrible Panic Follows When Norwegian Steamer Founders.

Bergen, Norway.—The Norwegian steamer "Folgefonden," from Bergen to Hsugesund on the west coast of Norway, was wrecked near Ekoneviks and sank in three minutes. The steamer carried 70 passengers, and it is believed that 40 of them were drowned. Fifteen bodies have been recovered.

The captain of the steamer was among those saved.

It is reported that a terrible panic occurred when the steamer struck, and that fearful scenes were witnessed on the shore as the vessel sank. Boats were hurriedly manned by those who had witnessed the catastrophe and they hurried to where the steamer had gone down, but most of the arrived too late to rescue the passengers.

1,500 BUILDINGS BURNED

Fire Destroys a Large Section of the City of Constantinople.

Constantinople.—Fire broke out Sunday afternoon in the Stamboul quarter and within a very brief period a terrible conflagration was raging.

A strong wind carried the flames at great speed, and for six hours they swept over the section, destroying 1,500 houses and shops. The fire was still burning at 9 o'clock at night, but the wind had decreased considerably.

Stamboul is the Mohammedan part of the city. Within its walls are the Saraglio, the principal mosques, the mausoleums of the sultans, the baths, the bazars, the public offices of government and the remains of ancient Constantinople.

TRAIN BREAKS RECORD

Experimental Run on Pennsylvania Makes Speed of More Than 100 Miles an Hour.

Warsaw, Ind.—All speed records of Pittsburg, Ft. Wayne and Chicago division of the Pennsylvania railroad have been broken.

A special train carrying Prof. M. E. Turneaure, dean of the engineering department of the railway engineering department of Cornell University, and F. M. Graham, the Pennsylvania chemist at Altoona, made a test run from Pierceton to Warsaw, nine miles. The speed was in excess of 100 miles an hour.

OUTLOOK FOR BANKS GOOD

Last Statement to Comptroller Optimistic Augury.

Washington.—Treasury officials are greatly encouraged in their belief that the business conditions of the country are gradually but certainly improving not only by the increasing revenue, but from customs and internal revenue, but by the very favorable showing made by the national banks throughout the country.

Seventy-Six Perish in Mine

Wigan.—It is now known that 76 miners perished in the explosion and the fire that followed it, in the Maypole mine. Finding that it would be impossible to recover the bodies still in the pit, the fire having taken such a firm hold, the directors decided to flood the mine.

The Chicago & Alton Railroad will let a contract for \$1,500,000 worth of steel coal cars.

JOHNSON RENAMED FOR GOVERNOR

Minnesota Democratic Convention Stampeded for Him.

SILENT AS TO ACCEPTANCE

When Asked if He Would Accept Governor Johnson Replied That He Had Nothing to Say.

Minneapolis.—The Democratic State convention stampeded for Governor John A. Johnson, nominating him unanimously for re-election with a rush after a remarkable demonstration.

When the roll call of counties was made for nomination Mayor Daniel W. Lawler, of St. Paul, took the platform and at the conclusion of the words mentioned the name of John A. Johnson.

One of the wildest demonstrations ever seen in a Democratic State convention in Minnesota ensued. Hennepin county (Minneapolis) tore up its standard and started a wild march about the hall. Everybody else seemed to join in. Some delegates grouped themselves on the stage about the picture of Governor Johnson. Band music added to the pandemonium and candidates yelled and cheered for Johnson.

Frank Day, the Governor's representative, immediately rushed out of the building to find a telephone to get into communication with the Governor.



Gov. Johnson, of Minnesota.

nor at the capitol. Minute after minute sped by, but still the delegates yelled excitedly, waved banners, carried the picture of Governor Johnson about the hall and put on duplication of the demonstration given to Bryan at Denver.

The convention was wild for Johnson. "Marching Through Georgia," and "Cheer, Cheer, the Gang's All Here," were played in succession by the band, and still the crowd yelled. The galleries which were well filled in the afternoon, joined in the demonstration.

The result was inevitable. Nothing could stay the tide of enthusiasm, and as soon as the effervescence had subsided sufficiently, the Governor was named unanimously for gubernatorial candidate. The demonstration had lasted one hour and five minutes.

When asked at St. Paul if he would accept the nomination, Governor John A. Johnson said:

"I have not been officially notified of my nomination, so have nothing to say."

SHERMAN NOTIFIED

Republican Nominee for Vice President Accepts Honor.

Utica, N. Y.—The last formal ceremony attending the official launching of the Republican National ticket of 1908 was held here when Representative James Schoolcraft Sherman was tendered and accepted the nomination of his party for vice president.

In accepting, he subscribed heartily to the declaration of principles adopted at the Chicago convention in June, to the every utterance of Secretary Taft in his Cincinnati speech, and to the policies of President Roosevelt. Mr. Sherman asserted that the approval of the Roosevelt administration was the real issue of the campaign about to be undertaken. Mr. Bryan's question: "Shall the people rule?" was declared to be no issue at all.

Senator Julius Burrows of Michigan, delivered the notification address.

BOLD DAYLIGHT ROBBERY

Burglars Drug Watch Dogs and Make Off With \$6,000 in Jewelry.

Greenwich, Conn.—After drugging three watch dogs that guarded the summer home of Frederick W. Woertz a wealthy New York brewer, burglars entered his house at Belle Haven park, near here, and stole \$6,000 worth of jewelry and \$100 in money. The robbery took place in broad daylight and while two servants were in the house. The servants heard the robbers moving about, but as the dogs did not bark they supposed they heard some member of the family and made no investigation.

Order for 500 Box Cars

Baltimore, Md.—The Atlantic Coast Line Railroad Company has awarded to the South Baltimore Steel Car and Foundry Company a contract for 500 steel underframe box cars. The order involves an expenditure of approximately \$500,000.

Bandits Pillage a Monastery

Tambov, Russia.—Bandits attacked and pillaged the Kazansky Monastery and secured gold and jewels valued at \$40,000.

CAN INDICT FORTY RIOTERS

Springfield Grand Jury Already Finds True Bills Against Two, One a Woman.

Springfield, Ill.—Ten indictments against two alleged mob leaders were returned by the special grand jury. Six of these are against Abraham Raynor and four are against Kate Howard.

Raynor is charged with murder, four cases of malicious mischief and one of riot. The charges against Mrs. Howard are for malicious mischief and are identical with those against Raynor on three counts.

The charge against Raynor is based on his alleged participation in the lynching of William Donigan, a negro, 80 years old, who fell a victim to the mob's fury Saturday night. Considerable evidence upon which this was voted was procured by a military court of inquiry, which has been sitting under the direction of Lieutenant Colonel Chipperfield of the First Cavalry and which turned over to the State's attorney the result of its investigations.

"We procured sufficient evidence to indict 40 or 50 participants in last week's rioting," said Colonel Chipperfield. "We have a complete confession from Raynor and we have also discovered convincing evidence of arson by a former police officer of Springfield. The evidence is not only available for grand jury work, but it is also of such character that conviction is almost bound to follow its presentation in court. I will stand sponsor for that statement."

The indictments charge both Raynor and Mrs. Howard with participation in the looting of the Loper restaurant and also with aiding in the wrecking of the building.

Final relinquishment of the military control of this city was the result of a conference between Governor Deneen and General Young. One regiment will be held here in reserve in case the Sheriff's force and police are unable to preserve the peace.

ILLEGALLY TRIED

Court-Martials of Temporary Commander Not Recognized by Army Regulations.

Washington, D. C.—An order was issued by the war department, releasing from confinement 21 enlisted men of the Cuban army of the 20th at West Middletown, who were convicted by court-martials for various infractions of the army regulations in Cuba. They are now in confinement at Fort Jay, New York. The order states that they were tried by court-martials "illegally constituted," and hence their release from imprisonment.

This proceeding is so unusual that it aroused comment in army circles. The men were convicted by court-martials ordered by the temporary commander of the Cuban army of pacification, Colonel Owen J. Sweet of the Twenty-eighth Infantry. The distinct provision of the law and army regulations is that court-martials may be constituted only by department commanders or by full commanders of an army.

In the opinion of the Judge Advocate General, therefore, there was nothing to do but direct the release of the men.

FORMER FOES HOLD REUNION

Survivors of Two Famous Cavalry Organizations Meet in Peace at Picnic.

Washington, Pa.—Survivors of the Ringgold cavalry of the north and the McNeill Rangers of the south, held their annual reunion of the 20th at West Middletown. The two commands met in many bloody engagements during the Civil War. The address of welcome was delivered by the Rev. W. W. Hunter of Buffalo, an honorary member of the regiment. Colonel A. J. Ringgold of Chicago, commanding officer of the Ringgold Battalion association, made the response. A dinner was served for the veterans and visitors by residents of West Middletown and vicinity. The reunion closed with a campfire in the Grove church.

SIX CHILDREN DIE IN FLAMES

Two Others Perhaps Fatally Burned While Parents Are Away From Home.

Colfax, Wash.—Six children are dead and two others are burned so seriously that recovery is doubtful at the H. W. Shultz ranch, between Colfax and Palouse. They perished in a fire that destroyed the home at night.

Four of the dead were children of Schultz. The other two were children of W. W. Fox, a brother-in-law. The men were away harvesting and the mothers were attending a theatrical performance.

The two eldest Schutz girls tried to rescue the children, but lost their way to the door and were forced to drop the babies to make their own escape.

Governor Defies Liquor Men

Lancaster, O.—Before thousands of sympathizing auditors attending the big annual Methodist camp meeting of the Lancaster conference, Governor A. L. Harris defended his support of temperance legislation and defied the liquor interests that are opposing his re-election. The governor stands on his temperance record and will not give an inch to the interests demanding his defeat.

Nine Killed in Wreck

Mexico City.—Advices were received here of the wreck of a work train on the Cananea, Yaqui River & Pacific railroad, which E. H. Harriman and associates are building down the Pacific slope. It resulted in the death of nine Mexicans and the serious injury of a score of others.

Washington.—In view of representations of theatrical managers of the existence of an alleged theatrical trust, the department of justice will investigate the charges.

PROHIBITION CANDIDATE FORMALLY NOTIFIED

Professor Scanlon Presents Notification in Chicago Music Hall.

VICTORY SURE SOME TIME

Professor Scanlon Who Presented the Notification Says the Struggle Is Not in Vain.

Chicago.—At Music hall in the presence of a large and enthusiastic audience, Eugene W. Chafin of Chicago, accepted the nomination for the Presidency by the Prohibition party. The address formally notifying Mr. Chafin of his selection as the head of the Prohibition ticket was made by Prof. Charles Scanlon of Pittsburg, on behalf of the committee on notification, appointed at the National convention in Columbus, O., July 16.

Leading members of the party from Illinois, Michigan, Wisconsin, Ohio, Indiana, Nebraska and other States attended.

Chairman Jones of the National committee called the meeting to order and announced the selection of Samuel Dickie, president of Albion College, Albion, Mich., as chairman of the gathering. Mr. Dickie delivered a brief address and then introduced Mr. Scanlon. He was greeted with applause as he began his notifying address and throughout his speech was interrupted by evidence of approval of his remarks.

Prof. Scanlon, addressing Mr. Chafin, said in part:

"You are not asked to lead a forlorn hope. The final issue of this struggle is not now nor ever has been in doubt. The principles advocated by the Prohibition party are as certain to prevail as time is to continue. Already they have been accepted by the churches and by a large proportion of the people. They have been adopted by five states within a year and by thousands of counties and townships. They are believed by a large majority of the people of the Nation, and however many may vote against you, few will deny that the triumph of prohibition for which you are the only Presidential candidate who has the courage to contend, would bless this world—as few events since the advent of the Son of God has blessed it."

Says False Issues Are Raised.

In replying to the notification, Mr. Chafin said in part:

"We are approaching the close of another 50 years, where two dominant political parties, Republican and Democratic, have allied themselves with the most gigantic crime that ever cursed the world, and by their attitude make known to the American people that they do not propose to permit them to have a chance, even though the majority favor it, to destroy the liquor traffic and add another amendment to the constitution, which would mark the highest achievement of civilization in the world's history.

"Twenty-seven presidential campaigns have been more or less ferociously fought to gain control of the government. Most of them have been battles over fictitious issues which had little or nothing to do with the administration which followed. In not more than six instances would a line of American history have been changed if the defeated candidate had been elected instead of the successful one. This party strife over false issues for the sake of obtaining office, has made moral cowards of many of our public men and transformed some of our chief executives into mere pawns upon the party chess board; for no man lives in history and in the hearts of the people who does not stand for the highest moral sentiment of his day."

"For a long time there has been a disposition on the part of the leading politicians of these old parties to belittle and ignore the liquor problem. This has now reached an acute stage which amounts to a conspiracy on the part of the leaders of these parties to coin up the conscience of the people into liquor license revenue and offices.

"The development of the trusts has changed entirely all the old theories of a protective tariff and free trade, and the people demand legislation in their interest on this important matter, which can best be worked out by a permanent tariff commission. We are the only party that strikes a blow at the social evil; so closely allied to the liquor traffic, and propose the only practical method of stamping out polygamy throughout the Nation, by a uniform marriage and divorce law."

A POWERFUL EXPLOSIVE

German Military Men Surprised at Results of New Death Dealing Invention.

Munich.—A new high explosive of a power beyond anything hitherto used in the German army was tested near here in the presence of the artillery proving commission, representatives of the Bavarian war ministry, the imperial navy and the fortress and ordnance departments, with what are described as sensational results.

Three shells exploded by electricity, tore Krupp armor plates to pieces. The explosive is the invention of Fritz Gehe.

Reward Offered for Rioters

Springfield, Ill.—Governor Deneen issued a proclamation for each violent death during the riot, offering a reward of \$200 for evidence which lead to the conviction of the guilty persons.

John A. Hinsey, the "Captain Dreyfus of the Knights of Pythias," after suffering for seven years' expulsion from his lodge on a charge of embezzling \$500,000, has been exonerated and reinstated.

BIG COAL DEAL CLOSED

Julian Kennedy and Others Acquire Tract in Greene County, Paying \$1,463,000.

Pittsburg.—A deal has been closed by which 5,288 acres of coal land in Morgan and Washington townships, Greene county, changed hands for \$1,463,000. The sellers were J. V. Thompson and I. W. Semans of Uniontown, and the purchasers Julian Kennedy and E. H. Jennings of this city, R. C. Crawford of McKeesport, James Henderson of Charleroi, Reed Kennedy of Homestead and T. Daly of Ghsontown. It is understood that a large coking plant will be erected on the tract.

The field is a portion of the old Cooper & Lackey tract of 12,000 acres taken up in 1899. It is directly south of the tract recently sold by Mr. Thompson to the Bessemer Coke Company and adjoins both the Bessemer holdings and those of the Pittsburg-Buffalo Company, which is establishing an enormous coal and coke plant at Mariana.

The sale is the largest that has taken place in Greene county field within a year and it is expected to have a decidedly beneficial effect on business conditions.

WELCOME TO OUR FLEET

American Warships Arrive Safely in Sydney Harbor.

Sydney, N. S. W.—The American battleship fleet arrived here August 20.

It is estimated that hardly less than 500,000 people assembled to give the visitors a royal welcome. Sydney harbor, with its innumerable bays, coves and beaches, never looked more beautiful.

A hundred thousand people, the greatest single assemblage of all, gathered on the south heads, where a magnificent view of the whole scene was to be had. Hundreds of craft of all kinds moved up and down. Alfred Deakin, the prime minister of Australia, forwarded a message of welcome to the American fleet.

The American ships boomed forth a salute to the port and as soon as they were safely moored at their anchorage official visits were exchanged.

SEVENTY MINERS PEIRSH

Fire in Pit Destroys Last Hope That Any Survive.

Wigan.—The worst fears have been realized about the explosion which occurred in the Maypole mine. The entombed miners numbered about 70, and it is impossible that any of them can have survived.

Efforts at rescue, however, continue on ceaselessly. Thirty bodies were discovered in the workings, but the fumes from the burning coal prevented the rescuing parties from reaching the others, who probably are lying far down in the mine.

A few bodies were brought to the surface, but all were so blackened and mutilated that identification was impossible.

BLOOD CHANGES WOMAN

Transfusion from Husband Causes Patient to Change Mentally and Physically.

New York.—Surgeons at St. James' hospital, Newark, believe they have made an important discovery in the case of Mrs. Anna Bradley, who, it is said, has undergone a complete mental change since a pint of her husband's blood was infused into her veins.

Since then she has lost gradually her mental traits, and acquired those of her husband which were directly the opposite of her own. The only explanation possible, according to the doctors, is that the blood of Patrick Bradley has so changed his wife that she has in reality become a part of him.

WINS RESIDENT'S MEDAL

Sergeant Brest of Regular Army Has High Score at Camp Perry.

Camp Perry, O.—Sergeant E. A. Brest of the United States Infantry won the President's contest in the closing event in the National Rifle Association's tournament. He made a score of 304 against a field of 377 other contestants. Last year the gold medal was won by Sergeant Berg of Washington by a score of 310.

Captain F. W. Allen of Massachusetts took second prize, the silver medal, with a score of 302. Third place and the bronze medal were taken by Lieutenants S. A. Harris, United States Infantry, with a score of 300.

ARMY TO FIGHT FRENCH

Arab Force of 25,000 Men Trying to Surprise Two Posts.

Paris.—Reports from Algeria say a new uprising is under way on the Moroccan frontier, where an Arab army of 25,000 men is mobilizing and preparing to surprise the French posts at Bechar and Bonanane. General Lyautey, High Commissioner of the Algerian-Moroccan frontier, has arrived at Colomb Bechar and is organizing a flying column of 4,000 horsemen.

Government advices declare the uprising to be the result of the agitation of Mulai Haffid's agents among the tribesmen.

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