

HIGHEST COURT HITS FOOD LAW

Burden Is on Government to Prove Injury to Health.

EFFECT IS WEAKENED

Not Enough to Show That Added Substances Are Poisonous.

MANY OTHER DECISIONS

Foreign Built Yachts Owned by Citizens Are Held to Be Taxable.

The United States Supreme Court handed down forty decisions in Washington yesterday.

One of them is of far reaching effect on the enforcement of the Federal pure food and drug act, and similar State laws. Under this decision, the Government in order to libel foods that have been "treated" or adulterated will have to prove that the added substance is present in sufficient quantity to injure health. The mere fact that the deleterious substance is present will not be sufficient. Government authorities fear this decision will greatly hamper them in the enforcement of the law.

Another important decision sustained the validity of the section of the Payne-Aldrich tariff law which imposed a tax on foreign built yachts owned and used by citizens of the United States.

PURE FOOD LAW HARD HIT.

Government Must Prove Added Substances Injure Health.

WASHINGTON, Feb. 24.—A decision by the Supreme Court to-day will have a far reaching effect on the enforcement of the Federal pure food and drug act, and similar State laws. By many the fear is expressed that the decision will greatly handicap the Federal authorities in their efforts to fight against "treated" or adulterated foods.

Today's decision was in what is known as the "bleached flour case." In an opinion by Justice Day, concurred in by the entire court, the principle was laid down that for the Government to maintain a libel under the pure food act to condemn articles alleged to contain "added poisonous or deleterious substances" it is necessary to prove that the added substance is present in sufficient quantities to injure health.

The case grew out of an attempt to libel a shipment of flour made by the Lexington Milling and Elevator Company. The flour was admittedly bleached by having been treated with the Alcrop process, which was accomplished by subjecting it to a treatment of nitrogen peroxide.

Lower Court Sustained.

The court found as a matter of fact that the added substance was poisonous and deleterious. The Government asked the trial judge to charge the jury that it was only necessary for the Government to prove that the shipment contained the added poisonous or deleterious substance to maintain the libel and that it was not required to establish that the adulteration was present in such quantity that it might injure the health of consumers.

The judge gave this charge, but on appeal was reversed; and from that decision the Government appealed to the Supreme Court.

Dr. Carl Aisberg, chief of the bureau of chemistry, said this afternoon that the decision would revolutionize the administration of the law, as the Government apparently will have to prove in each case that the article sought to be condemned is actually poisonous or deleterious to the public health.

Will Affect Work in States.

The decision will not only affect the work of the Department of Agriculture, in enforcing the pure food law, but its influence will be projected into the various States where health officers have sought to exclude food manufacturers containing benzoate of soda or other preservatives. Nearly all these efforts by State officers have carried them sooner or later into the Federal courts.

FOREIGN YACHT TAX UPHOLD

Citizen Owners Demolished Here Must Pay, Court Decides.

WASHINGTON, Feb. 24.—The Supreme Court upheld generally to-day the validity of the tax on foreign built yachts owned and used by citizens of the United States imposed by the Payne-Aldrich tariff law. There were sixteen of these cases before the court.

C. G. Billings and Roy A. Rainey were held to be subject to the tax because their yachts had been in use for a part of the time during the taxing period. In the case of E. Clay Pierce the court held that his yacht, the *Yacona*, was not taxable because the evidence showed that it had been out of commission during the taxing period. On this point the court distinguished clearly between ownership and use.

As to Mrs. Harriet Goetz's yacht, the *Nea*, the court held that it was not taxable because it had been demitted in the United States, but not taxable since that

SUB-ZERO SURPRISE.

One of the Winter's Coldest Mornings Follows Gusty Day.

The cyclone that missed New York, sailing out to sea off the South Carolina coast, left as a souvenir a lace handkerchief of prismatic snow, promiscuously gauged as one inch and a tenth by the official measurers of the Weather Bureau. The northerly wind that blew gusty all night and yesterday from an aerial region of crystalline clearness, never got up to the dignity of half a gale. The surprise to the Weather Bureau was the big drop in temperature, due to the rushing down of the high area that forced the cyclone off the coast. The mercury, scorching the opinions of its custodians, scampered down the tube to zero, and after hesitating at the oval a second or so, marked six-tenths of a degree below it, making the morning, at 7:30 o'clock, one of the coldest of the winter.

The temperature at midnight was 9 degrees and the local talent decided that there was a probability of the mercury achieving zero, perhaps, before sunrise. The Washington prediction promises fair skies to-day and to-morrow, with light north to northeast winds, shifting to southeast. The shift of wind is expected to warm up things a bit to-morrow.

GINN ESTATE IS \$2,754,000.

Boston Publisher Left \$1,000,000 to Promote World Peace.

BOSTON, Feb. 24.—When the will of the late Edwin Ginn, the Boston publisher, who died January 21, was allowed in the Probate Court at East Cambridge by Judge McIntyre to-day, it became known that the estate is valued at \$2,754,000, of which \$450,000 is in real estate.

Mr. Ginn left \$1,000,000 as an endowment for the world peace foundation, which he established.

WOMEN CUT NO FIGURE IN CHICAGO PRIMARIES

Only One-third Registered Go to the Polls—Lose All Their Contests.

EMBASSY GUARD URGED.

Navy Is for 1,000 Men and the Army for 5,000.

WASHINGTON, Feb. 24.—Proposals to send to Mexico city a marine force of sufficient strength to enable the American Embassy to dominate the situation in a military way, as far as the legation guards of other nationalities are concerned, are receiving consideration by the Administration.

Naval officers are in favor of sending a force of 1,000 marines to Mexico city in the near future. In army circles there is a disposition to believe that either a force of 5,000 men should be sent or none at all.

At the State Department those officials who would like to see a strong embassy guard in Mexico city shrink at the suggestion of such a large number as 1,000, although these officials are anxious that the United States representation should be more than all the others combined.

The State Department has information that the German commander in Mexican waters is preparing to send guns and a marine guard to Mexico city.

The Japanese already have a small marine guard at their legation and the British have sent machine guns to their legation, while it is reported that the French Government is to send a small guard.

It is known that Secretary Bryan and President Wilson are extremely reluctant to authorize what is urged upon them by the navy and military officers as a wise and necessary precaution. It is quite doubtful whether or not the proposal would have been as favorably considered as is the case were it not for the fact that the other Governments with important interests in Mexico are taking the precautionary steps.

The action if taken is not to be regarded as especially significant, say military officers, nor as indicating any new intentions on the part of the Administration in its policy toward Mexico.

MOVE TO SURRENDER BODY.

Administration Notified That It Will Be Given Up.

WASHINGTON, Feb. 24.—The Mexican situation seemed to take a turn for the better to-night when the Department received word that the rebel authorities would yield to the American representatives and deliver the body of Benton, the British ranchman, who met death after an encounter with Villa.

This information came to the Department to-night from George C. Carothers, a member of the consular service at El Paso.

The British Government, as indicated in further statements in Parliament to-day by Sir Edward Grey and in an hour's conference between Secretary Bryan and Ambassador Spring-Rice, attaches such vital importance to the recovery of Benton's body that the United States was fast becoming obligated to make the recovery at almost any cost.

Reliance on Examination.

It is confidently believed by the British authorities that an examination of the body will disclose the manner in which Benton was killed and indicate the truth or falsity of Villa's explanation of the killing.

An attitude that could not be tolerated long by the United States in view of the pressure exerted upon this Government by Great Britain was maintained by Villa and his subordinates up to the moment when word was received that the body would be surrendered.

The Juarez authorities refused to divulge any information regarding the disposition of the body. While the State Department was preparing to appeal to Carranza over the head of Villa the word came that the body would be delivered to the American representative who would be permitted to examine the body.

It is said that there is likely to be some delay in the examination of Benton's body as Villa intends to make a further statement and will have the proceedings held up until he can return to Juarez from Chihuahua.

The United States Government is not expected to take any action until the examination of the body has been completed.

EMBASSY GUARD FOR MEXICO CITY

Administration Considers Sending Strong Force to Capital.

TO DOMINATE FIELD

State Department Notified That Benton's Body Will Be Given Up.

VILLA SAYS HE WON'T NOW

He Declares the Ranchman Killed Four Men With- out Provocation.

The Administration at Washington is considering the question of sending a sufficiently large military force to the American Embassy in Mexico city to dominate the situation there so far as the protection of the foreign legations is concerned.

Great Britain has set up machine guns at her legation and Japan has a small marine guard at hers. France is reported to be planning a similar step.

The State Department has been advised by Diplomatic Agent Carothers of El Paso that Villa will surrender the body of William S. Benton, the British subject, but Villa declared at Chihuahua that he would not do so at present. He said he might surrender the body later.

Villa has made a new statement about Benton, declaring that the ranchman was a criminal and killed four men without provocation.

Special Cable Dispatch to The Sun.

LONDON, Feb. 24.—It is considered very probable that King George will see the baseball game to be played by the Giants and the White Sox at Chelsea on Thursday. The Prince of Wales also may attend.

It is known that the King has made inquiries regarding the movements of the teams and the prospect of the game being held. He wishes to attend if his engagements will permit. It is believed that the monarch, for political reasons as well as because of his consistent friendliness for the United States, would be delighted to show his interest in the national game.

The members of the teams, who are praying for good weather to enable the game to be played, are receiving much good hospitality. Comiskey and McGraw were the guests of Seymour Hicks this evening at the performance of "Broadway Jones."

Other theatrical men also are entertaining them generously.

King George, the monarch, has arranged a smoker for the players to-morrow night at Murray's Club, the founder of which was an American.

The luncheon at the Savoy to-morrow promises to be a big affair. It is considered likely that 250 persons, half of them Americans, will attend. Among the Englishmen who have accepted invitations are Baron Desborough, Lord Grenville and Sir George Riddell, the newspaper proprietor.

LOAN SHARK TOLMAN LOSES.

Court of Appeals Affirms His Sentence to the Penitentiary.

ALBANY, Feb. 24.—The Court of Appeals affirmed to-day the sentence of D. H. Tolman to the New York county penitentiary for six months.

Tolman defended the charge of usury on the ground that he was a private banker, a contention which failed in the courts. Gov. Glynn recently refused to pardon Tolman.

JOHNSON BOXES FOR NOTHING.

"Ed" Arthur Pammela Galvin in Paris Cafe—Both Throws Out.

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PARIS, Feb. 24.—Jack Johnson was having a drink in Maitrot's restaurant in the Rue du Faubourg-Montmartre this evening, while Mrs. Johnson sat in a cab outside. George Galvin, manager of Jim Johnson, with whom Jack had a bout recently, passed and made a remark which reached the ears of the pugilist's wife and caused her to feel that she had been insulted.

She jumped from the cab and dashed into the restaurant to tell her husband. Jack came out with a rush and entered a bar near by, where he found Galvin, and gave an exhibition of what he could do with his fists. Galvin escaped after a punnelling and took refuge in Maitrot's. There he was found by Jack, who went there to celebrate the victory and there was another mixup.

This continued until both men were thrown into the street, to the huge delight of a crowd of Shrove Tuesday revelers.

COLLIER BUYS AERO SKIMMER.

Boat Will Carry Six Passengers at 60 Miles an Hour.

Robert J. Collier has bought a six passenger aero skimmer, or gliding boat, from the Slocane Aeroplane Company of New York. The craft was designed by Frank Coffyn and John E. Slocane.

The hull resembles a large bobbed and when travelling at sixty miles an hour over the water the skimmer looks like a sleigh gliding over ice, according to the makers. It has 250 horse-power, furnished by a twenty cylinder air cooled Ansani motor, driving four bladed eight foot diameter air propeller.

This is said to be the first successful craft of the skimmer type.

BECKER MAY REJOIN FORCE.

If Not Tried Again Will Seek Reinstatement and Salary.

If Charles Becker eventually goes free there is little doubt but that he will seek reinstatement on the police force and will go to court to force that action.

In conversation with a Sun reporter in Sing Sing prison last night the former lieutenant said that he had thought of proceedings that might be instituted to recover his back salary. He was discharged from the police force solely on the basis of his connection with the graft proceedings following the Rosenthal murder. If he is found innocent on that charge or if not prosecuted further lawyers think that his chances for recovery of salary and reinstatement will be more than good.

At any rate THE SUN is able to say that Becker once free will make every effort to regain his standing on the force and to recover any money due him.

7,000 GET WORK IN ST. LOUIS.

Manufacturers Increase Plants to Capacity—See Prosperity Boom.

St. Louis, Mo., Feb. 24.—The Hamilton-Brown Shoe Company gave orders to-day to put on from five to seven thousand additional workers in their factories here. Many of these operators were laid off at the close of last year, but the total force when the new shifts go on next week will be the largest this concern ever had. The Granite City Rolling Mills to-day employ 800 additional skilled workmen, increasing the force to 2,300, the largest on record. In both instances the management stated that increased business, a better money market and the indications of enlarged trade fully justified the employment of full capacity forces.

KING GEORGE MAY SEE AMERICAN BASEBALL

Monarch Greatly Interested in the Game—Players Lavishly Entertained.

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BECKER GETS A NEW TRIAL; GUNMEN MUST GO TO CHAIR

Asks Public to Bear With Him

Charles Becker asked The Sun last night to make this statement to the public for him:

"I hope the public will bear with me until I prove I am an innocent man, more sinned against than sinning.

"I ask no sympathy and no quarter, only justice.

"I believe that the successful outcome of my appeal is due largely to the efforts of my loyal wife, the best woman that ever lived, God bless her, and to my counsel in the case."

"I'm Pleased Beyond Words," Ex-Policeman Tells The Sun

Quotes Shakespeare and the Bible to Show His Feelings—Loud in Praise of His Wife —Expects Vindication

OSWING, N. Y., Feb. 24.—Charles Becker talked with a reporter for THE SUN to-night for three-quarters of an hour and told how happy the verdict of the Court of Appeals had made him and how he was now confident of a complete vindication.

The interview took place in the principal keeper's office, just outside the death house, where the former police lieutenant has been confined under sentence of death for sixteen months. It was shortly before 8 o'clock when Becker strode into the room with outstretched hand and a broad smile upon his face.

"Hello, hello, hello," he said, with a hand grip that nearly broke several fingers. "Glad to see you."

He looked in every line and expression as like the man who went to Sing Sing prison in the fall of 1912 as could be imagined. He was as erect and as fearless in appearance as then. His hair was as carefully slicked down, his expression was as calm and confident as ever.

The only noticeable difference was in his dress. He wore the prison garb to-night, not the convict gray but a rough black coat, gray trousers, felt slippers, heavy gray socks and a thick gray shirt, without collar or tie.

"Pleased Beyond Words." "What do I think of it?" he said in answer to the first question. "Well, what would you think of it if you heard such news after you had been in this place for sixteen months, sentenced to death for a crime you never committed? I am pleased beyond words of course."

Becker said he preferred not to talk about the future, but to leave that to his counsel.

"But I expect now that I will be completely vindicated," he said emphatically. "I am innocent of this crime and the night I have made to prove that is coming to a successful conclusion. It is a long haul that has no turning. If you will turn to Ecclesiastes, Chapter 11, verses 1 to 17, of the Catholic Bible you will find there words that express my feelings now better than any other."

"I have had a terrible time of it, but I can see some light ahead now. I am happiest of all for my wife. She has stood by me through thick and thin and I tell you it means everything to have a woman like that stick by you. She never wavered once and I believe that this victory is due largely to her earnest and persistent efforts."

It was a few minutes after 8 o'clock now and the interview was interrupted for a bit by the music of the prison orchestra, twelve men, led by Peter Fiorentini, a gray haired Italian trusty who plays the first violin.

Catches Strains of Music.

Becker thrust up his head as the first strains came into the room.

"My, that sounds fine," he said. "Warden (to Warden Clancy), you ought to move those fellows inside where I have been. That would cheer a lot of us up."

It was "The Bohemian Girl" by Peter Fiorentini's men were playing, and as they swung into the song of freedom, where a young man rushes in waving a pardon in his hand, Becker smiled. He knew that part of the opera and hummed a few bars.

"How have you been treated here and how do you like it?" was the next question.

"Like it? Who could like a prison? But I've been well treated here; couldn't be better. I tell you my poor fellow can thank God that Warden Clancy came here when he did. He's a prince and no mistake."

The warden grinned modestly and asked Becker how he had enjoyed a turkey dinner served in the prison a short time ago.

"Say, that turkey was great. I'd like to return the compliment," was the answer.

"Can't you tell, in some way, just what you think of this whole proceeding, your arrest, trial, conviction and sentence?" asked the reporter.

He Quotes Shakespeare.

"I can't express it better than you'll find it in Shakespeare—I've been reading a lot of Shakespeare since I've been shut up here and I certainly like him—you'll find it in 'Measure for Measure.' This is the way it goes:

"But man, proud man, Dressed in a little brief authority; Most ignorant of what he's most assured, His glassy essence—like an angry ape—Plays such fantastic tricks before high heaven As makes the angels weep; who, with our sorrows, Would all themselves laugh mortal."

"That's what I think about it, as Shakespeare expresses it," said the ex-policeman.

"Yes, I've been reading a lot in here. You can read a lot too when you are in a death cell for sixteen months. I like

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