

SELLER OF POISONED MILK IS CONVICTED

George C. Smart, proprietor of the New York dairy, was found guilty yesterday by Police Judge George H. Cabaniss of selling milk containing formaldehyde, which caused the critical illness of Frances and Ruth Lent, children of Eugene Lent, an attorney of this city. Judge Cabaniss imposed a maximum fine of \$200. In passing sentence his Honor vigorously denounced the offense and the offender.



George C. Smart, Dairyman, Is Grilled
Court Fixes Heavy Fine to Warn Dealers.
Holds the Offense to Be Serious and Grave.

After a battle that was fought with full knowledge of the consequences of a conviction, George C. Smart, proprietor of the New York Dairy and vice president of the California Dairymen's Association, was found guilty yesterday by Police Judge George H. Cabaniss of selling milk which was drugged with formaldehyde.

Such was the result of the relentless prosecution which was forced by Eugene Lent, father of Frances and Ruth Lent, children who were critically ill from drinking the poisoned stuff from Smart's dairy.

Despite the attempt of Smart's attorney, E. D. Knight, to mitigate the situation, Judge Cabaniss vigorously denounced the offending milk seller, and as an earnest of the court's attitude toward the case imposed a fine of \$200, the maximum amount under the statute. This punishment, his Honor declared, would serve, he hoped, as a warning to other dairymen and as a notice that the grave seriousness of the Lent case was not underestimated. He intimated that a much higher fine would have been imposed if the law permitted.

The conviction was a blow at the industry of milk adulteration. It came as a block to the practices of dishonest and unscrupulous dairymen who had toyed with the lives and health of their customers in the hope of mere money profit and gain. And Judge Cabaniss spared nothing in his exhortation of milk dealers who resort to adulterants, to poisonous drugs, to disease-breeding sophistication of one character that was exposed at the trial of Smart. He was thoroughly convinced that the illness of Lent's children was due to the formaldehyde in the milk Smart served to the household. So firmly set was the opinion that the effort of Attorney Knight to have Dr. L. H. Hoffman's testimony on that point expunged from the record failed.

SMART KNEW OF DRUGS.

Equally positive was Judge Cabaniss that Smart himself had knowledge that preservatives were being used in the dairy's milk, despite Smart's denials. In this phase his Honor reviewed the testimony of Joseph Block, manager of the Preservative Manufacturing Company, who had sworn he had business dealings with the New York Dairy and had sold Smart preservative.

Judge Cabaniss said he felt this to be the worst feature of the case so far as Smart was concerned, for the dairymen had attempted, and very emphatically, under oath, to convince the court that no preservatives or adulterants had ever been used by his dairy.

After the case was called yesterday morning Attorney Knight began an argument on a motion to strike out Dr. Hoffman's testimony. Dr. Hoffman had attended the Lent children. He had declared them to be suffering seriously from formaldehyde poisoning. He had gone with unpleasant detail into the nature of formaldehyde and had told Judge Cabaniss that in medical practice the drug was used as a disinfecting fluid. Attorney William F. Humphrey, Lent's law partner, and special counsel for the prosecution, resisted the motion and gained his point. The evidence was read to the jury.

Having cleared that preliminary, Attorney Knight went to his discussion of the proposition whether, under the statute, Smart could be held convicted, even though no proof had been made that he in person had used milk or had personal knowledge of the presence of poisonous substances in the fluid.

Judge Cabaniss held that the testimony identified the milk and there had been no disputing the declarations of Arthur Price, the chemist, that it contained formaldehyde. This made out a technical case against Smart. The only other point was whether the law contemplated the conviction of one who had no willful intent.

Knight protested that his client should be punished if he had knowingly used foreign substances, but he contended Smart did not have such knowledge. The attorney did not blame Lent, nor did he impugn anything wrong to the dairy when he said the formaldehyde might have been placed in the milk for revenge. Knight contended that there were times when any dairymen's milk might go wrong; that milk does not always agree with person; that he would call the attention of the press to these conditions. But Judge Cabaniss shut off these suggestions and with a final intimation that he had made up his mind as to the bearing of the law said: "Your argument, Mr. Knight, puts your client in the light of a doomed man whom the Sheriff has permitted to talk from the scaffold."

WANTS EXAMPLE MADE.

Attorney Humphrey pointed out in reply to Knight that there were seven contradictions between the testimony of Smart and his son, and Joseph Block, the preservative man. Humphrey declared it was time an example should be shown. "The leniency hitherto exhibited in these dairymen's cases is the cause of this prosecution," said the attorney. "We think there should be more than a fine imposed, but we leave this to the court."

Judge Cabaniss, without more ado, formally adjudged Smart guilty. Knight entered motions in arrest of judgment and for a new trial, waiving time for sentence, which in pronouncing Judge Cabaniss said:

"The statute by eliminating the word 'willfully' was designedly drawn to make easy the prosecution of cases of the character at bar. To be compelled to establish the intent in such cases would be to render it practically impossible to convict. A principal is responsible for the acts of his employe or agent. That is the case here where the milk was delivered by a driver, yet the proprietor himself is accountable."

"Something has been said as to leniency. There is a difference between this case and others that have been before the court. The evidence clearly shows that the illness of the Lent children was attributable to this milk. The seriousness of their illness demonstrates the presence of a large quantity of the drug, and it is shown that it is dangerous in the extreme to sell milk containing such a

PRINCIPALS IN THE CASE OF THE MILKMAN WHO WAS CONVICTED OF USING FORMALDEHYDE AND FINED IN THE SUM OF \$200, THE MAXIMUM PENALTY IMPOSED BY THE LAW.

LEAVE CHURCH WITH PASTOR

Santa Cruz, Oct. 25.—There is a split in the Advent Christian Church of the Blessed Hope. Twenty-six out of a membership of about one hundred have asked that they be dropped from the rolls of the church.

The row is over the late pastor, Rev. L. A. Wilkerson, who was not re-elected. Those who have left the church are his supporters. They also claim that the church is filled with worldliness and say they have a grievance against the church conference.

The dissatisfied ones expect to engage in mission work and on Sunday were addressed by Rev. C. A. Welts of the Peniel Mission.

POLICE BATTLE WITH STUDENTS

CHICAGO, Oct. 25.—Twenty-five policemen and 200 students of the Chicago College of Dental Surgery engaged in a fierce fight this afternoon and before order was restored fifteen of the students had been arrested. At one point during the fight the police were forced to fire shots over the heads of the students to scare them back.

The freshman and junior classes of the institution met in their annual class rush to-day and the battle became so desperate that a riot call was sent in to the two police stations in the vicinity. When the police arrived on the scene the battle between the students had been in progress for a half hour and had blocked all the street car and wagon traffic in nearby streets.

The students who were in the thick of the fight joined forces as soon as they saw the approach of the patrol wagons, and the bluecoats were pelted on all sides with stones and vegetables, while water was poured upon them by students from the upper floors of the college. After this had been going on for some time and the police were getting decidedly the worst of the battle the bluecoats drew their revolvers and fired several shots. This brought the students to their senses and they ran in all directions, but the police succeeded in making fifteen captures.

All the students bore signs of the conflict in their torn garments, and a number of them suffered severe cuts about their heads and faces from the punishment administered by the police.

An investigation has been begun by the faculty and the ringleaders of the disturbance will be punished.

VANDERBILTS INVADE OHIO

CINCINNATI, Oct. 25.—The Pittsburg and Lake Erie Railroad Company has purchased the coal lands and railroads of the Little Kanawha syndicate, which are in litigation in the United States Circuit Court of Appeals in Cincinnati. The deal was made by Joseph Ramsey, Jr., former president of the Wabash system. Ramsey and George Gould did not differ on this proposition. They appeared together through counsel before Judge John K. Richards to-day, defending their interests, to prevent John Jones of Chicago from interfering with the sale.

The Pittsburg and Lake Erie is a Vanderbilt line. It will come into the new coal field through Pittsburg. The several railroad lines which are integral parts of the Little Kanawha will be used by the Vanderbilts to make a new line through Virginia to the Atlantic seaboard. This is one of the greatest railroad deals of recent times.

The property which the Vanderbilts thus acquire is composed of the Little Kanawha Railroad Company, the Parkersburg Bridge and Terminal Company, which has a charter to bridge the Ohio at that city; the Burnsville and Eastern, the Buckingham and Northern, Bellington and Northern, the Nashville, Marietta and Parkersburg and the Marietta, Columbus and Cleveland.

In addition there are 50,000 acres of coal land near Fairmont and 35,000 acres in Gilmer, Braxton and Lewis counties. These lands are in the central part of the State. They are not near the coal lands sought to be reached by the Zimmerman-Hollands interests through the Detroit, Toledo and Ironton line, which is a J. Pierpont Morgan interest.

It is understood that the Vanderbilts, with their new property, will cooperate directly with the Chesapeake and Ohio.

Pears'

Whoever wants soft hands, smooth hands, white hands, or a clear complexion, he and she can have both: that is, if the skin is naturally transparent; unless occupation prevents.

The color you want to avoid comes probably neither of nature or work, but of habit.

Use Pears' Soap, no matter how much; but a little is enough if you use it often.

Established over 100 years.

La grippe, pneumonia, and influenza often leave a nasty cough when they're gone. It is a dangerous thing to neglect. Cure it with

Shiloh's Consumption Cure

The Lung Tonic

The cure that is guaranteed by your druggist.

Prices: S. C. Wells & Co. 9 25c. 50c. \$1. LeRoy, N.Y., Toronto, Can.

CURE SICK HEADACHE.

Genuine Must Bear Fao-Simile Signature

CARTER'S LITTLE LIVER PILLS.

YOUTHFUL BANDITS HEAVILY ARMED FOUND IN A CAVE

CHICAGO, Oct. 25.—Armed, bandit-like, with two revolvers each, smoking cigarettes and living in a cave, three boys were arrested yesterday near La Grange by detectives of the Burlington Railroad. The boys are Jacob Macthemus, 18 years of age; Lewis Sherwood, 15; Charles Colberts 14 years of age.

In the cave the officers found what was left of 25,000 cigarettes, several boxes of cigars and several revolvers, which the detectives allege, were taken in recent robberies. The boys are accused of being members of a gang that has operated about La Grange for weeks.

CITY-OWNED FERRY LINE INSTITUTED IN NEW YORK

Municipal Boats Put Into Operation Between the Battery and Staten Island.

NEW YORK, Oct. 25.—One of New York City's most conspicuous ventures in municipal ownership was inaugurated to-day when the new ferry line between the Battery and Staten Island was put into operation. It is owned and operated by the city and its five splendid ferry boats are the largest in New York harbor, aggregating in value nearly \$2,000,000. They replace an antiquated private ferry line against which there was a great protest.

The new service was started with ceremony, Mayor McClellan and 4000 guests making the first trip.

VIGHY CELESTINS

IS NOT GENUINE WITHOUT THE WORD

It is always sold in bottles like this

The Natural Cure for DYSPEPSIA and STOMACH TROUBLES

The Standard Preventative for GOUT

AVOID IMITATIONS! Which have no medicinal properties.

The genuine is never sold in SYPHONS

Drink in the Morning and at Meals

Lady Baltimore

By OWEN WISTER
Author of The Virginian

IT WAS at King's Port—not its map name, of course—that Mr. Wister found Lady Baltimore and laid the scene of his love-story of the Carolinas. Imagine the most charming of Southern cities; old and shabby, hushed and gray—but peopled with a high-bred society more exclusive and self-sufficient than that of any court in Europe; a town where the atmosphere and the small talk of the forties are still preserved. In this rarified atmosphere rear a native lover, and at last confront him with a fiancée who spends her summers with the Newport "smart set" playing bridge, drinking high-balls and smoking cigarettes.

A bull in a china-shop would be a more welcome guest than was this young woman when she descended on King's Port. Was it any wonder that the old town was set by the ears, that the young man wondered if he hadn't made a mistake, and as many social tangles presented themselves as a dozen chapters would scarce unravel?

In this week's number of
THE SATURDAY EVENING POST
A high-grade weekly magazine, illustrated and beautifully printed.
5 Cents the Copy of Dealers Everywhere
THE CURTIS PUBLISHING COMPANY, PHILADELPHIA, PA.

poison. If it could be proved that a person had put the stuff in the milk the maximum of penalty against that individual would be none too severe.

"The worst feature of the case as bearing upon Smart is his testimony about preservatives. He desired it to be emphatically understood that he never placed foreign substances in his milk. His son strenuously insisted that there was no occasion for using drugs because his milk was delivered fresh from the cows to his customers. The prosecution presented Mr. Block. His testimony concerning business dealings with Smart's son makes the inference strong that the son would be extremely unlikely to make purchases of preservative unless directed by his father, whose confidential agent he was, or that he had the confidences of his father in that connection.

"So serious is this case that an argument on that score is almost an affront to one's intelligence. The pecuniary side of the subject, the losses or the profits involved to dairymen, is dwarfed by the serious results which follow the delivery of milk that has been tampered with and

has caused such serious and almost fatal consequences. To impose a light punishment would be to put a premium on this form of perfidious activity along that line of business activity. The punishment, outside of the effect of the public advertising given such a case, should be such as to make it a very expensive matter to sell adulterated milk. The maximum fine under this statute, I observe, is only \$200. In most other statutory misdemeanors the fines range as high as \$500 and \$1000. The judgment of the court is that the defendant, George C. Smart, pay a fine of \$200, or in default thereof be imprisoned for fifty days in the County Jail."

Attorney Knight filed a bond in \$500 on appeal and Smart was released, pending action by the higher court. Knight, when asked whether the appeal would be feeted, said he thought so. He also declared that the California Dairymen's Association had nothing to do with Smart's defense.

C. N. Johnson, a dairymen, pleaded guilty yesterday in the Police Court of using boron in his milk and falling to

so label his bottles. Judge Cabaniss fined Johnson \$10, which was paid.

E. A. Green of the Millbrae California Milk Company, was arrested on a charge of using coal tar dye in milk. John Linehan, proprietor of the Green Valley dairy, was arrested and accused of using coal tar dye and selling milk that showed only 2.5 per cent of butter fats. Both men gave bail.

The case of Edward Arnold, charged with using a filthy milk wagon, was continued until to-morrow in Judge Morgan's court. That of J. T. Quarles went over until Saturday in Judge Cabaniss' court.

City Chemist Gibbs will to-day at noon file his report on the analyses of milk samples taken from wagons and dealers during the early part of the week. If any of the samples are found below the standard or mixed with coal tar dye or other poisonous matter the offenders in that regard will be arrested.

WASHINGTON, Oct. 25.—Bonds to the amount of \$1,985,000 were refunded at the Treasury Department to-day, making the total to date under the Secretary's last call \$20,284,000.

Is yours the same threadbare plea?

Every third merchant in this town seems to think the dingier his sign is the more tone it imparts to his establishment. Dirt never gave tone to anything. As to your sign, it is frankly dirty. It creates a false impression in the mind of every customer that passes it. It misrepresents you, your store and your goods. In its present state of wind-battered dinginess it is worse than worthless—it is a positive harm. Simply because it began business when you did is no reason it should go unpainted till it rots from its fastenings.

Don't go through the holidays with that sign to clog your trade—you can't afford it.

Turn your sign over to us to-day. It needs our kind of painting—the kind that is guaranteed.

Telephone Exchange 609 this morning and we will have a man down before noon who can talk signs.

Varney & Green