

PEOPLE'S PULPIT...



Sermon by CHARLES T. RUSSELL, Pastor Brooklyn Tabernacle.

Immortal Worms and Unquenchable Fire

"Where their worm dieth not and their fire is not quenched" (Mark ix, 44).

These words from the lips of our Master, the Great Teacher, have been grievously misunderstood. The teaching of our Protestant childhood was to the effect that only the saintly elect would go to heaven and that others would not only lose heaven, but gain an eternal life in torment. Thus our text was understood to portray what practically the whole world of mankind would be compelled to endure.

Of course, these theologians of the past had their difficulty in dealing with the worms. They could imagine devils who would oversee the torture as being made immune to pain by the chief torturer, the Almighty God. But just how to imagine the worm getting along in so great a heat and how they would in any way increase the torture of the poor sufferers was to many a perplexity. But patient thoughtfulness along these cruel and devilish lines enabled some to formulate the theory that the worms would be fiery ones, living in fire, delighting in fire—worms that would bore through the incrustations and add still further to the horrible sufferings of the world of mankind.

Was This What Jesus Meant? Did the Great Teacher intend that such conclusions should be drawn from his language? And did he stop short of the description from reasons of sympathy or modesty or shame? Is this the general teaching of God's Word or has a great and terrible mistake been made? And have we mistaken a figure of speech and treated it as literal? We erred. We misunderstood. The Great Teacher who rebuked his disciples, James and John, when they desired to call fire from heaven upon the City of Samaria, because the people thereof refused to sell them food for the Master—the sympathetic One who said to them, "Ye know not what manner of spirit ye are of; the Son of man came not to destroy men's lives, but to save them"—could that Son of man in any wise intend to tell us that our great Heavenly Father had less of the spirit of love and righteousness than the two impetuous disciples? Did he mean to intimate that while the disciples impetuously might have been willing to destroy the earthly life of the Samaritans, the Heavenly Father, of still more demoralized disposition, would treat practically all mankind ten million times worse than that and use Divine Power to all eternity to perpetuate the sufferings of his earthly creatures which his own Word declares were born in—shaped in iniquity, in sin did their mothers conceive them—earthly creatures, too, whose environment was unfavorable and whose adversary, the devil, God neither destroyed nor bound?

Such an interpretation, my dear hearers, is not supposable. We must look for some explanation of the Master's words more consistent with his own character and with the Heavenly Father's character, and more consistent with our conception of what a Just, Loving, Wise and Powerful Creator would do. It does not answer the purpose to say, as so many do, "Bosh, do not discuss such a matter. Nobody now believes such things!" This one Scripture repudiated would shake our confidence in the whole Bible. But rightly explained and understood it would settle and increase our faith in the Scriptures as a Divine message. This, then, must be our object—not merely to cast from us the devilish interpretation of the dark ages, but to ascertain the true interpretation—to get the true lesson from the words of the Great Teacher. Thousands are drifting off into more or less open infidelity simply because of the irrational interpretation given to this text and two or three others. And these errors have become so fastened in our minds from childhood days that they have become part and parcel of our very lives, so that many of us would have been inclined at one time to dispute the very existence of a God as much as to dispute such slanderous misrepresentations of his glorious character.

Entering into Life. Let us go back to Jesus' day and in mind place ourselves with those who heard him utter the words of our text and context. The Teacher had just said, "If thy hand offend thee, cut it off—it is better for thee to enter into life maimed, than, having two hands, to go into hell, into the fire that never shall be quenched, where their worm dieth not and their fire is not quenched." He said the same in the following verses respecting the foot and the eye. Was he speaking literally or figuratively? Does any sane person suppose today that Jesus advised a literal cutting off of a hand or a foot or the

plucking out of an eye? Assuredly not. And the person who would follow his counsel in that way would be considered unbalanced in mind. We all recognize what he did mean, namely, that if any who desired to have eternal life found that they had hindrances of appetite or pleasure or what not, as dear to them as an eye, foot, hand, these precious, but disqualifying sins or wrong-doings, should be put away—no matter how precious they were—no matter how highly esteemed. By way of contrast, the Master suggested that if the retaining of these things would hinder them from entering into life they could not afford to retain them—that even if they were to carry the figure further and suppose that in the future life they would be deprived to the extent of being maimed to all eternity it still would be preferable to them to practice the self-denial now and to enter into life.

Be it noted that the reward here indicated is in the entering into life, and the intimation is that those who fall will not have life at all—that they will fall to attain life; that they will have no eternal life, either in pain or in pleasure. Let us examine our text further and see this.

Gehenna Typed the Second Death.

The word hell in our text is from the Greek word gehenna, which, in turn, was a corruption of the Hebrew word geh-hinnon, which signifies valley of death. There are two other words in the New Testament Greek translated hell in our common version. One of these, tartarus, has no reference to humanity whatever, but merely signifies our earth's atmosphere—the place where Satan and the fallen angels are restrained in chains of darkness (II Peter ii, 4). The other Greek word rendered hell in the New Testament is hades, which corresponds exactly to the word rendered hell in the Old Testament, namely sheol. And all scholars know that both of these words signify the same thing. They are used interchangeably in the Scriptures to designate the state or condition of death—the tomb. No person, of even slight education, would for a moment attempt to claim that eternal torment is taught by sheol, hades or tartarus. The great stress of all who teach eternal torment falls, therefore, upon the word hell found in our text—in the original Greek, gehenna.

What we have to say respecting it will undoubtedly be news to but few of this congregation. But since this sermon will be reported in more than seven hundred newspapers of the land, our explanation will probably eventually reach ten million people, to whom the Truth on the subject will be new. What we have to say is not new to educated ministers, however, and why, as pastors, they have kept the sheep of their flock in the dark on the subject is for them to explain. That certainly cannot plead ignorance. At very most they can apologize that they hoped that the misunderstanding would do more good than the truth. They seem to forget entirely that this terrible misunderstanding is not only wrecking the faith of thousands, but dishonoring our Creator—blaspheming his holy name, his holy character, by misrepresenting it and the Divine Plan.

A Valley Outside Jerusalem.

I wish that those of you who have modern Bibles with maps at the back would turn to the map of the City of Jerusalem and there notice on the southwest side of the City, just outside the wall, the Valley of Hinnom. That is the Valley that in brief was called Geh-hinnon, the Greek of which is gehenna. All of our Lord's uses of the word gehenna stand related to that Valley. For the sake of my larger congregation it will be worth while for us to take a glance backward at the history of that Valley during many centuries before Jesus' day.

The first mention of this Valley in the Bible is found in Joshua (xv, 8), where it is given as one of the boundaries of the tribe of Judah, according to the lot cast by Joshua in the division of the land that had come into possession of the Israelites. It is again mentioned similarly in Joshua xviii, 16. The next reference to this Valley is found in II Kings xiii, 10. There we read of how Josiah, the good King of Judah, instituted a great reform in the nation and abolished idolatry, one of the most heinous forms of the idolatry having been practised in this Valley of Hinnom, which had gotten a new name, namely Topheth. History tells us that the Israelites built in this Topheth, the Valley of Hinnom, a great brass image to the heathen god Moloch. In various places they had groves in which a licentious form of worship was enacted and then they resorted to this Valley of Hinnom to offer sacrifice of a most revolting kind to the heathen deity. Sometimes it was a boy and some times it was a girl that was placed naked in the arms of the great image after it had been fired to a red heat with fuel piled underneath the image and passing through it as a que. The cries of these infants so horribly sacrificed were drowned by the cheers of the worshippers and various musical instruments.

All of this, indeed everything akin to suffering, was strictly forbidden by the Divine Law given to Israel. And they had been specially warned against this very form of idolatry (Leviticus xviii, 21; Deuteronomy xviii, 10). It is a gross mistake and slander of the Divine character and Law to suppose that it ever sanctioned torture. And it is still worse slander upon God to suppose that he would himself do, and that for all eternity, what he condemned in his fallen creatures. The Lord declares all this through the Prophet Jeremiah (vii, 31-34). Here God particularly forewarned the Israelites that their wrong course would eventually in the terrible time of trouble which came upon Jerusalem in the year A. D. 70, when it was estimated that over a million died at the siege of Jerusalem. In fulfillment of this prophecy the Jews cast the dead bodies over the wall of Jerusalem into this very Valley. Thus we read, "Behold, the day is come, saith the Lord, that I shall no more be called Topheth, nor the Valley of the son of Hinnom, but the Valley of Slaughter; for they shall bury in Topheth till there be no place. And the carcases of this people shall be meat for the fowls of the heaven, and for the beasts of the earth."

The Lesson Jesus Taught.

We have before our minds now the gehenna fire which no one ever attempted to quench, but which was designed to consume utterly everything cast into it. We have in mind also the worms of which he spake—worms which were permitted to feed on the carcases undisturbed until the carcases were consumed and the worms themselves died. Another item here should be noticed, namely, that a saying amongst the Jews was, Whosoever commits such a misdemeanor will be in danger of going from bad to worse until he will be brought before the tribunal of the Sanhedrin, a culprit. Jesus took the same line of proverbial and declared that anyone violating the Golden Rule to the extent of calling his brother a fool would be in danger eventually of such digression from righteousness as to bring him under sentence of the greater tribunal of Messiah's Kingdom, and, "Whosoever shall say unto his brother, Thou art a fool, shall be in danger of gehenna fire" (Matthew v, 22).

Prize With Tombstone. Ell, Neb., Sept. 2.—John Brady, who has just opened a tombstone and monument business here, has started the community by offering a prize of half a dozen dining room chairs to the first person purchasing a tombstone. Up to date no person has made application for the prize.

Votes Not Canvassed Yet. Lincoln, Sept. 2.—The state canvassing board met yesterday, viewed an abstract of the Douglas county vote to which two riders are now attached instead of one, passed a motion to send to Douglas county for another "true and complete" abstract, a repetition of the work performed Tuesday, and adjourned until Saturday.

No votes were canvassed and no progress was made. The meeting consumed about two hours. The board found attached to the Omaha abstract last Tuesday a statement that it was subject to recount there. Treasurer Brian objected to the rider then, saying he was not ready to canvass the vote until it was removed. So a motion was passed to have the county clerk of Douglas county return a "true and complete" abstract of the vote.

Heverly returned an abstract this morning with the original rider still attached, and another one saying that the county canvassing board had attached the first merely to serve notice on the board that the recount was going on. This didn't help matters. So the board, being in argumentative mood, proceeded to wrangle until everybody got tired. Treasurer Brian acknowledged that he was a stickler for form and didn't give a rap about the substance of things, and Secretary Junkin declared that the whole thing was a farce.

Auditor Barton was present and indicated that he did not wish to canvass the vote until an unconditional abstract was before the board. A motion to adjourn until the recount was received was defeated. Then a motion to canvass all the vote except that on governor was defeated. The result of the meeting was a duplication of the work done last Tuesday, which amounted to nothing.

Drinks Must Be Pure.

Lincoln, Sept. 2.—The state board of health has notified the managers of all county fairs that they will be held responsible if the sale of adulterated soft drinks is allowed on the premises over which they have control. This is taken to mean that when lemonade, cider or pop is sold, it must be the pure article and not made out of a concoction of drugs and coloring.

DAKOTA DEMOCRATS ACTIVE.

Chairman Quers of Central Committee Has Headquarters at Vermillion. Vermillion, S. D., Sept. 2.—Chairman R. F. Lyons of the state democratic central committee, has established headquarters in this city, and expects to carry on the work from this point. It is planned to carry on an active campaign, and plans are now being formulated for the work of the next two months. Granville Jones, editor of the Aberdeen Democrat, is here assisting with the preliminary work, and will remain until his services are needed on the stump.

Chauncey L. Wood, candidate for governor, and W. W. Soule and John E. Kelley are already making speaking engagements, and will keep at it until the campaign closes. Other speakers will be placed in the field a little later on.

Stanton's New High School.

Stanton, Neb., Sept. 2.—Special to The News: The Stanton school board awarded the contract for the erection of the new Stanton school building to Razman & Blazer of Omaha for \$17,856. The contract for plumbing and heating was let to Dussell & Son of Columbus, Neb., for \$4,200. This ends the long contest over the erection of a new building necessitated by the growth of the city.

Greggerson Now in Jail.

Neligh, Neb., Sept. 2.—Special to The News: Lou Greggerson, the much-sought-for man, who is accused of murdering Nels Pederson on the afternoon of Friday, August 12, in the vicinity of Elgin, is now confined in the county jail of Antelope in this city.

The young man drove into Neligh with his brother yesterday afternoon and gave himself up to Sheriff Miller, saying that he requested to be in his care until such time when he can prove his innocence of any charge of murder. It was a week ago last Monday evening that he was at the home of his father-in-law, James Holcomb, with whom he was making arrangements to return the following day to Neligh and furnish bond if it was deemed necessary. It was while he was at the home of the latter that he was informed that he was in great danger of violence if he remained there, and in consequence he departed for the place of his brother, in the northern part of Boone county, where he has been continually assisting his brother in farm work.

The preliminary hearing for Greggerson will be held next week. At this time it will be impossible to state the day or date. Very few people in Neligh were aware of the fact that the young man was in jail, and that he had given himself up voluntarily, at a late hour last night.

Omaha Cool to Roosevelt.

Omaha, Sept. 2.—Colonel Roosevelt and party arrived from Kansas City at 7 o'clock this morning. Quite in contrast with his reception at other places, there was no demonstration at the depot on his arrival. The reception committee, consisting of Victor Rosewater, republican national committeeman, United States Senat-

ors Burkett and Brown of Nebraska and Dooliver of Iowa, former Congressman John L. Kennedy, General O. A. Smith, commanding the department of the Missouri, R. F. Thomas, postmaster of Omaha, Ferdson W. Wattles, Luther Drake, Charles H. Plekens, Gould Dietz and C. M. Wilhelm, was in waiting to give the distinguished visitor official welcome.

Not Noticed Along Street.

Colonel Roosevelt and his immediate party were taken to the Omaha club for breakfast. There was no evidence on the streets traversed that the public was aware of the visitor. This might have been accounted for by the comparatively early hours and the threatening aspect of the weather.

The program arranged for the entertainment of the party included noon luncheon at the Omaha field club.

T. R. Tired; Refuses to Motor.

It had been the idea of the committee that the forenoon should be spent in motoring about the city, but the former president expressed a desire for an opportunity to rest and early in the day it was announced that he would likely not leave the club until time to go to the field club for luncheon. At 4 o'clock he will deliver an address at the Auditorium.

St. Jo Crowd Got Sore.

When the colonel's train reached St. Joseph at 12:40 this morning there were continued calls for a speech from a large crowd of men who had gathered at the station. Colonel Roosevelt being asleep, did not respond to the calls, and as if in retaliation the crowd began cheering for President Taft.

Shallenberger and Mayor Jim.

After the breakfast Governor Shallenberger and Mayor Dahlman of Omaha called on Colonel Roosevelt. It was announced that the colonel would not leave the club until noon, when he would go to the Omaha field club for an informal luncheon to which 400 guests had been invited.

Martin and Seth Bullock There.

A telegram was received by the committee on arrangements from Congressman E. W. Martin of South Dakota asking that places be reserved for him and Seth Bullock, United States marshal for South Dakota and an old-time friend of Colonel Roosevelt, at the banquet to be given tonight at the Omaha club. The request was granted.

Fire Loss Was \$75,000.

Dallas, S. D., Sept. 2.—Special to The News: The St. Mary's mission buildings, which burned to the ground, cost in the neighborhood of \$75,000. This included three dormitories, classrooms, chapel, etc. St. Mary's mission is located about fifty-five miles west of Dallas in Todd county and is the Episcopal boarding school for the children of the Rosebud Sioux Indian tribe. This mission was established over twenty-five years ago and has grown from a scholarship of less than one dozen to where it today stands as a power in school circles of probably 500 students, all Indians, there being no white children admitted.

The mission is fifty-five miles from the railroad and with its inland location oftentimes is not appreciated, but the good which it has done in assisting to civilize and teach Indian children the ways and customs of civilization is wonderful. The loss to the church is, as above stated, in the neighborhood of \$75,000. These missions and government schools have been supplied to a large extent from Dallas, as well as from Valentine, Neb., and in all probabilities there will be considerable freighting of new materials to reconstruct the buildings which were lost and Dallas, as the hub, seems destined to resupply much of the devastated properties.

Excursion Rates.

Interstate Livestock Fair, Sioux City, Ia., Via the Northwestern Line. Daily, Sept. 19 to 24; return limit Sept. 25. Large list of attractions. Great exposition of live stock and farm products. Apply to ticket agents the Northwestern line.

Heinrich Rudolph Warnecke.

Heinrich Rudolph Warnecke died at the home of his mother on the corner of Fifth street and Madison avenue at 7 o'clock Wednesday evening, after a lingering illness brought on by rheumatism. Funeral services will be held at 1 o'clock Saturday afternoon at the home on Fifth street by Rev. J. P. Mueller, and at 1:30 at the Christ Lutheran church, after which the remains will be laid to rest beside the father of the deceased in the Lutheran cemetery east of the city.

Heinrich Rudolph Warnecke was born in Pierce county on November 23, 1872. He came to Norfolk with his parents soon afterwards. For the past eleven years he has been in the employ of E. M. Ziesche, working at his trade as cigarmaker. For a number of years he has suffered with rheumatism, but not until a few weeks ago was it necessary for him to be confined to his bed.

He leaves to mourn his loss an aged mother, two brothers, William Warnecke of Scribner and Charles Warnecke of Pierce, and one sister, Mrs. Richard Ziesche of Neligh.

FRIDAY FACTS.

Jack Thomas of O'Neill, enroute to Lynch, was in the city visiting with friends. Mrs. W. Peterson of Winside was in the city. Warren Heitzman went to Pierce on business. Dr. C. A. McKim has gone to Ponca on business. Mrs. C. E. Long of Winside visited with friends here. Rhinald Steinkraus of Pierce was a visitor in the city. Mrs. Louise Krause of Hoskins was a visitor in the city. Mrs. Joseph Dobbins of Hoskins was a visitor in the city.

Mrs. Carl Albert of Hoskins was here calling on friends. Mrs. William Maas of Hoskins was here calling on friends. Miss Stella Strick of Battle Creek was a visitor in the city. Miss Agnes Gishpert of Pierce was here visiting with friends. Mrs. I. Hamilton of Stanton was in the city visiting with friends. Arthur Apfel of Meadow Grove was in the city transacting business. Miss Regina McGahn returned from a short visit with friends at Wisner. William Gunsehorn of Osborn, Neb., was in the city transacting business. Mrs. E. S. Sly, who was here visiting with friends, returned to Chadron. S. O. Campbell, an attorney of Creighton, was in the city transacting business. Rev. J. W. Wells of Valentine, grand custodian of the grand Masonic lodge, was in the city.

Mrs. Arthur Wichman and Mrs. August Schwichtenberg of Hadar were visitors in the city. Misses Elsie and Bertha Eckler of Creighton are in the city visiting with the A. W. Finkhouse family. Mr. and Mrs. Gilbert Anderson of Alliance, Neb., are in the city visiting with their son, C. L. Anderson. County Attorney James Nichols returned to Madison after a business trip at Tilden and in this city. Mrs. August Filter and daughter, Miss Elizabeth Filter, have gone to Syracuse for a visit with friends. Mrs. H. G. Conover and her two children returned from a three weeks' visit with relatives in Minnesota. Miss Catherine Cody has accepted a position with the Parisian hair dressing parlors in the Bishop block. Miss C. C. Wilson, who has been here visiting with Mrs. E. H. Brewer, has returned to her home in Meadow Grove. Mrs. A. O. Hazen and children have returned from a two weeks' visit with the William Hoffman family at Meadow Grove. Miss Mildred Gow has returned from Carlock, S. D., where she had been visiting with her brothers, Harold and Archie Gow. Misses Emma and Louise Schulz have returned from Wanawick, Wis., where they spent three weeks visiting with friends and relatives. Miss Anna Hazen has returned from a month's visit on the John Mischke ranch near Crofton, Neb. Miss Hazen will go to her school at Peru September 20. Father Petlach of Verdigre was in the city visiting with Father Gebauer. Father Petlach was enroute to Omaha to attend the reception to ex-President Roosevelt.

Mr. and Mrs. E. E. Watson of Plainview, who were visiting with the Ira M. Hamilton family, have gone to Seattle and other western coast cities, where they will spend a few weeks. James E. Montague has returned from a business trip to Anoka. Mrs. A. P. Prubaker, who has been here visiting with her parents, Mr. and Mrs. H. H. Miller, has returned to her home at Bazile Mills.

Mrs. and Mrs. C. B. Jenkins of Kalamazoo, who made an automobile trip to Colone, S. D., where they visited on the claim of Fred Jenkins, are in the city visiting with the L. P. Pasewalk family. Mrs. Jenkins and Mrs. Pasewalk are sisters. Merrick Estabrook, son of Mr. and Mrs. F. L. Estabrook, has a fractured arm as a result of a fall from a bicycle. Born to Mr. and Mrs. Ed Harter, a daughter. Born to Mr. and Mrs. Sanford Rudd, a daughter. City Attorney H. F. Barnhart is on the sick list. Mr. and Mrs. William Behman have moved here from Wayne. Mr. Behman has accepted a position as clerk at the Fair store. Mr. and Mrs. Ed Becker have moved to Allen, Neb. Mr. and Mrs. Becker have been making their home on South Third street. Very few cases of importance are on the docket for the regular term of the court at Pierce. The jury will be called for next Monday. James Thomas is relieving B. W. Jonas at the general delivery window at the postoffice. Mr. Jonas is enjoying a two weeks' vacation leave. Rev. and Mrs. J. Melmaker and other Norfolk delegates have gone to Carroll, Neb., to attend the meeting of the Northeast Nebraska Baptist association. Father Gebauer returned Thursday from a fishing expedition on the Elk Horn river. Among his catch of many fish was a 14-pound catfish which he believes is the record breaker of the season. The books from the old library room in the Bishop block are being moved into the new Carnegie library building on Eighth street and Norfolk avenue. The opening day has not yet been announced. A record breaking crowd is expected at the Country club house this evening, which will be the scene of the regular weekly dance. James Delaney, chairman of the dancing committee, reports that special arrangements have been made for tonight's event. Adams & Keating, the funeral directors who sold their stock of caskets to W. N. Orris at Stanton, have no intention of quitting business in Norfolk, they say. They will restock their establishment immediately and will continue in business, according to one of the members of the firm. Mr. and Mrs. J. S. Morrow have sold their residence at 1207 Phillip avenue to Ed Monroe, the fire department driver. Mr. and Mrs. Morrow will leave in a few days for Muncie, Ind., where they will make their future home with their son, W. E. Morrow. Mr. and Mrs. Morrow came to Norfolk from Battle Creek about twelve years ago. Crescius, the race horse which broke from its stall at the driving

park during the race meet here and was so badly injured that it was feared it would not be able to race any more, was taken home to Osceola by its owner, N. B. Doggett yesterday. Crescius' injuries have practically healed up and the horse will probably be entered in races next year. Born to Mr. and Mrs. Otto Huebner, a son. Mrs. C. B. Ocumpaugh is moving her millinery store into the room formerly occupied by the public library. Miss Ocumpaugh has just returned from an extended visit both on the eastern and western coasts. On the western coast she enjoyed several weeks' camping and fishing in the Oregon mountains and along the Columbia river, where she met Miss Martha Koehn, with whom she returned home. James ("Kid") West returned from Omaha, where he has purchased fixtures for his athletic school here. Mr. West will leave for Sioux Falls at once, where he has been called to attend the funeral of his father, who died there suddenly. West says his challenge to both the Davis fighters at Wisner and Gregory is still good and that he has received no reply from them. He says he is ready for a bout with any fighter at 138 pounds. H. F. Barnhart has filed an application in the district court at Pierce for a continuance of the case of the State of Nebraska versus Ross Ashcroft, who is charged with the murder of Harry Ropp. In his application Attorney Barnhart claims that his client is not in a position for trial owing to the fact that most of his witnesses are with the Yankee Robinson circus, which is now playing in Kansas. The matter will come up before Judge Welch at Pierce next Tuesday. Jake McKinney of O'Neill, representing Jack Sullivan, the fast fighter of that city, is in the city arranging for a bout between Sullivan and Kid West, who is opening an athletic school here. Sullivan weighs 158 pounds, while West can make very little over 138. The fight will probably be pulled off in Norfolk in about three weeks, when West returns from Sioux Falls, where he was called on the death of his father. Sullivan is well known as one of the fastest fighters in the state, but West says he is ready for him any time. Henry Hagerdorn, a Northwestern freeman who became ill while working on an engine between here and Fremont a week ago last Monday, is in serious condition as the result of an abscess on the brain, and will be taken to Fremont tomorrow to be operated upon. He is delirious at his boarding house, 411 South Fourth street, three men being required to hold him in bed. Two years ago he was hurt in a wreck, his head being injured at that time.

TO DEFEY STATE LAW.

Dakota Law Will Be Tested by Arrest of Lawyer Kirby. Sioux Falls, S. D., Sept. 3.—When the game season opens on the morning of September 10 the automobile of Game Warden Thimmisch, of this county, occupied by the warden and three witnesses, will drive up in front of Attorney Joe Kirby's office and give two toots. Joe will answer with three short whistles and come a running with his guns and dogs and the whole bunch will be hied away to the hunting fields of South Dakota to any point that Joe may select, there to try his prowess at bringing down any kind of game that is protected by state law. Joe will have no scrip to show that he has paid for the privilege of hunting, nor will he attempt to conceal his acts, but will shoot right and left at any kind of game except that found in the farmers' yards, and defy the warden to do his worst. The fighting attorney will then be brought back to town under arrest and brought to trial for hunting without a license. Kirby contends that there are holes in the hunting law big enough for a barrister to slip through without scraping any skin off. The game warden challenged him to go out with him and break the law and Kirby accepts the challenge. The case will be finally settled in the supreme court. Kirby's contention is that since the law provides a different amount to be paid by the resident and nonresident hunter it is discriminating and therefore unconstitutional. Practically identical statutes in Montana and Minnesota have been approved by the courts. Last season Kirby was arrested for hunting without a license and defending his own case in court he got a decision favoring his side of the case by arguing unconstitutionality from a justice who had never even studied law.

Was that dish a failure? Perhaps it was the fault of the spice. Did it lack snap and character of flavor? Then it surely was the fault of the spice. Next time use



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