

VIOLATES HOME RULE

New York Franchise Tax Declared Unconstitutional.

A DISSENTING OPINION IS FILED.

The Principle of Taking Taxing Power From Local Boards of Assessors and Giving It to the State Is Wrong.

ALBANY, N. Y., Jan. 21.—The appellate division of the supreme court, third department, practically wipes out the state tax commission in its decision handed down in the case of the People of the State of New York ex rel. Metropolitan Street Railway Company against the State Board of Tax Commissioners. By a vote of 3 to 2 they decide that the special franchise tax law of 1890 is unconstitutional in so far as it takes the power of taxing franchises from the local boards of assessors and gives it to a state board, thus violating the "home rule" principle of the state constitution.

It does not, however, violate, but expressly affirms, the state's power to tax franchises. In no one of the four opinions accompanying the decision is the principle of franchise taxation questioned, the sole issue discussed being whether the function of assessment is an exclusively local function or whether it may be withdrawn from the local boards and committed to a state commission. Upon this point and this only the court rules, setting aside the assessment upon the Metropolitan company made by the state tax commission upon the ground that such assessment should be made by the local board of assessors. The franchise tax law, so called, is not a separate law, but is in form of amendments to the general tax law, adding franchises thereto in the class of real property and referring their assessment to the state board of tax commissioners. It is therefore evident that the present decision affects the law only to the extent of removing the assessment of franchises from the jurisdiction of the state commission. It leaves the franchises still in the list of taxable property, to which, as the four opinions unanimously agree, the legislature had the power to add them, and permits the local boards of assessors to tax them at their full value.

The decision is by Judges Parker, Kellogg and Chase, Judges Chester and Smith dissenting. The prevailing opinion is by Parker, P. J., with concurring opinion by Kellogg. Both dissenting judges also file opinions.

The case was appealed by the Metropolitan Railroad company as a test case of forty-seven similar cases from Justice D. Cady Herriek's affirmation, pro forma, of the report of Judge Earl is referred, who held the law constitutional in all its bearings. Twelve million dollars—\$3,000,000 a year since 1899—is affected by this decision, and if it is sustained need not be paid by the corporations. But the new assessment by the local boards will undoubtedly be much heavier and subject to great differences between different towns.

Disbrow Found Not Guilty.

RIVERHEAD, N. Y., Jan. 17.—Louis L. Disbrow was acquitted on the charge of killing Clarence Foster at food ground on the night of June 9. The verdict was generally anticipated and was reached by the jury after very brief deliberation. The case for the prosecution was throughout weak, the strongest point made against the accused being that he was the last person seen with Foster and Miss Lawrence on the night of the tragedy. The contention of the defense was that Foster and the girl committed suicide.

Death of a Famous Rifleman.

YONKERS, N. Y., Jan. 21.—Lewis M. Ballard is dead in his sixty-sixth year after an illness of four months. Mr. Ballard was a member of the famous All-America rifle team which in 1874, '875 and 1876 defeated all comers at home and abroad. After personally outshooting all competitors at Wimbledon he was awarded a medal which was presented to him by Princess Louise of England. Mr. Ballard also won the first bicycle race ever ridden in this country in 1869.

Riots in Northern Portugal.

LISBON, Jan. 21.—Serious riots have occurred at Fundao, province of Beira, a northern Portugal. All the male inhabitants of Fundao armed themselves with scythes and effected the rescue from the police of certain poachers who had been arrested. The police fired on the villagers, killing four and wounding many. The shooting is expected to result in another outbreak.

The Lahn Finally Floated.

GIERALTAR, Jan. 21.—The North German Lloyd steamer Lahn, from Mediterranean ports for New York, which grounded on a sandbank off Tarnau, five miles east of the Rock of Gibraltar, Sunday morning, has been saved. The Lahn afterward anchored in this harbor apparently undamaged. It is reshipping her cargo and will sail today for New York.

A Rich Gold Strike.

SEATTLE, Wash., Jan. 19.—A special from Dawson says a tremendous rich strike of gold has been made fifteen miles north of a point on Tanana river, 900 miles from its source, a American territory, and a stampede on the scene is in progress.

M. de Blowitz Dead.

PARIS, Jan. 19.—Henri Georges Stehane Adolphe Opper de Blowitz, for many years correspondent of the London Times in Paris, is dead here. M. de Blowitz experienced an attack of apoplexy a few days ago. He was born in 1832.

CONDENSED DISPATCHES.

Notable Events of the Week Briefly and tersely told.

An earthquake shock was felt at Davos-Platz, Switzerland.

The plague is reported to be spreading in Mexico. The disease has appeared in Sonora.

The senior class at the Naval academy is to be graduated Feb. 2, five months earlier than usual.

The Chicago city council has approved a bill providing for municipal ownership of street car lines.

Charles E. Kelly has been convicted of forgery in connection with the St. Louis Suburban Street railway franchise deal.

Tuesday, Jan. 20.

Four men were burned to death in a hotel at Morrissey, B. C.

Two persons were killed and three injured in a fire in Cleveland.

Eleven persons were arrested in Mississippi for lynching two negroes.

Four steamers sailed from Blyth, England, with coal for America.

Five Chinamen were shot, two fatally, in a Tong war at San Francisco.

Long wharf, Boston, was partially destroyed by fire and the Yarmouth line sheds burned.

One person was killed and thirty injured in a wreck on the Great Western railroad near Seacombe, Ill.

Dr. Charles C. Hendrick, convicted of conspiracy in the Biggar-Bennett case, was released from the Freehold (N. J.) jail on bail.

Monday, Jan. 19.

General William Booth of the Salvation Army spoke to 10,000 people in Cleveland, O.

The crown princess of Saxony and M. Giron, with whom she eloped, arrived at Menton, France.

Mahmud Pasha, brother-in-law of the sultan of Turkey and leader of the Turkish reform party, died at Brussels in exile.

The San Jacinto Oil company, one of the largest concerns in Dallas, Tex., operating in the Beaumont field, has been placed in the hands of a receiver.

The North German Lloyd steamer Lahn, from Mediterranean ports for New York, with 1,500 passengers, went ashore five miles east of the rock of Gibraltar.

Saturday, Jan. 17.

The crown prince of Germany has arrived at St. Petersburg on a visit to the czar.

Intense cold prevailed in England. The Thames was frozen over for the first time in years.

A fight between labor unions caused a serious strike in the shoemaking trade of Lynn, Mass.

The pope has appointed Cardinal Vannutelli vice chancellor of the Roman Catholic church, to succeed Cardinal Parocchi, deceased.

The official report states that the earthquake at Andijan killed 4,714 persons and destroyed 33,112 houses.

Four men were killed in a wreck on the Baltimore and Ohio road at Cumberland, Md., caused by a messenger boy's throwing a signal without knowledge of the operator.

Friday, Jan. 16.

Cardinal Parocchi, subdean of the Sacred college, died at Rome.

May Yobe's claim against Lord Francis Hope was settled for \$5,000.

South African firms in London agreed to offer \$150,000,000 as their war contribution.

The state legislature advanced the bill appropriating \$250,000 for coal for New York city's poor.

The Wells-Fargo and Pacific Express companies are said to have established a community of business.

John Weaver, present district attorney, has been nominated by Republicans for mayor of Philadelphia.

Records of United States naval gunnery for speed and accuracy were exceeded by men of the battleship Kentucky.

Thursday, Jan. 15.

Five buildings at Piqua, O., were badly damaged by fire, entailing a total loss of \$150,000.

The Louisville and Nashville Railroad company offered to increase the wages of engineers 10 per cent.

The Prussian budget estimates for 1903 show a deficit of more than \$18,000,000, making a loan necessary.

The Marconi Wireless Telegraph company of Canada was organized at Montreal, with \$5,000,000 capital.

Mascagni Gets Appointment.

ROME, Jan. 21.—Minister of Public Instruction Nasi has officially confirmed the nomination of Pietro Mascagni, the composer, to the directorship of the Rossini lyceum, the musical conservatory at Pesaro. Signor Mascagni was deprived of the directorship of the Rossini lyceum last summer in consequence of his having undertaken a concert tour in the United States. The position in question is the highest in the Italian musical world. The salary connected with it is \$2,400 a year.

Garment Workers' Strike Grows.

LONDON, Jan. 21.—The Vienna correspondent of the Daily Mail says the number of striking garment workers in Vienna has now increased to 19,000. As this is the height of the Viennese season, continues the correspondent, it is expected that the employers will be obliged to capitulate.

Five Constables Killed.

SOUTH BETHELEHEM, Pa., Jan. 16.—Five boys, whose ages range from thirteen to fifteen years, while coasting were struck by a train on the Philadelphia and Reading railway and instantly killed, and another was fatally injured.

Warner Miller's Wife Dead.

NEW YORK, Jan. 16.—Mrs. Coroline Churchhill Miller, wife of former United States Senator Warner Miller, is dead here.

PHOTOGRAPHING THE ALPS.

Daring Feats of Camera Enthusiasts on the Summit of the Highest Peak.

Among the most daring feats attempted by modern photographers are those performed by the camera experts who carry their apparatus to the summit of the highest peaks of the Alps. The following incident is one of the many thrilling ones related by the writer of an article in Pearson's:

"We were somewhat troubled by the rising wind, which blew strongly across the crags, and our route lay up a striking-looking chimney on the exposed side of the ridge. The rest of the party decided to lower the writer over the overhanging wall of rock on our right to gain some ledges where a photograph could be taken of the ascent of the chimney. "Being lowered over an ordinary cliff in search of birds' nests with proper apparatus is child's play compared with such a lowering as I endured that day. In the first place, an Alpine rope is too thin for such work, for one felt almost cut in half before the full strain came on the rope, and absolutely convinced that those above could not have sufficient hold to manipulate the rope in such a wind. However, the painful dangling was soon over, and a simple scramble up some broken rocks led to a capacious recess which would accommodate the camera."

PARROT AS DETECTIVE.

A Bright Bird That Knew Wines Aided in the Discovery of Some Stolen Bottles.

This is a fact, says a correspondent of the Gentlewoman, though you may be inclined to feel skeptical. Some people I knew in the country had a fine cellar and a parrot of peculiar perspicacity. They taught him to know the different wines.

"Ah!" he would exclaim, as they moistened his beak with claret, "771" or, if a few drops of champagne, "89," "84," or "93," as the case might be. He never made a mistake as to the vintage.

At last my friends thought that the bird was getting unceasing. They quite longed to catch him napping, and one day to try and put him out they sent for a bottle of cheap port from the village grocer. The parrot sipped the port, and what did he exclaim but: "Best of all! 54!"

My friends tasted the wine. It was peculiarly good. To the village grocer they went, and demanded an explanation. The old man faltered and reddened, and on being pressed for the history of the wine, admitted that a butler recently discharged from the family had sold him a few bottles of 54 port from their cellars, and that the bottle in question was 54 port!

STRENGTH OF AN EGGSHELL.

An Experiment Shows That It Can Sustain Great Pressure Within and Without.

An eggshell can withstand an internal pressure of 65 pounds per square inch and an external pressure of 675 pounds per square inch, according to experiments made by Albert E. Guy, reports the American Machinist.

The eggs were taken at random and the contents emptied by first boring a one-sixteenth-inch hole at each end.

The shells were tested in three ways—by pressure applied on the long axis, by internal pressure on the whole shell and by external pressure. As the eggshell is porous the difficulties met with in trying the last two tests were overcome by using an ordinary toy balloon of thin rubber.

For the internal test a one-sixteenth-inch tube, plugged at one end and with a hole drilled in the side, was inserted in the balloon. The balloon and tube were then put through holes carefully drilled in the ends and the balloon tightly tied outside the shell. The small tube was soldered to a pipe plug for connection with the pump.

For the external pressure test the eggshell was tied up inside the balloon.

THE STERILIZING AGE.

Door-Knobs, Hand-Rails and Other Lurking Places of Infection Must Be Scrubbed.

If the bacteriologists tell us we must scrub the mouthpieces of telephones once a day to get rid of dangerous bacilli, of course we must obey orders from such a source, remarks the St. Louis Post-Dispatch. But why once a day only? The last user of the phone may have deposited disease germs in the mouthpiece. Is it not necessary to scrub after each user? Why take partial precautions? Why not be entirely safe?

Then there are the door-knobs—terrible lurking places of infection. Should we not have these scrubbed as soon as we use has, possibly, made them deadly? And the straps and hand-rails of street cars—it is an old story that these are thick with bacterial colonies. If this fear of possible and impossible infection from invisible sources gets strong enough we may get as scared as the Salemites in the days of witchcraft. At any rate, the mania promises to provide plenty of employment for those who are out of work, if not for everybody. If all the articles of daily use that need scrubbing, from the bacteriologist's points of view, are to be scrubbed, the world will get busier than it has ever been.

TITLES WERE UP FOR SALE.

French Nobleman Offered Knighthood and Decorations on All Who Would Buy.

Prince de Vitanval is a man of courage and imagination. He is a young Frenchman, whose real name is Laforgue, who has just returned to Paris after serving a six months' sentence for unlawfully selling orders of nobility. His history, says the New York Commercial Advertiser, is interesting as showing what a young man of imagination and courage can do. A year or so ago he began to negotiate with the Vatican for a title. Had he, a penniless youth, asked for a simple knighthood of St. Gregory he might have had some trouble in getting it, but his aim was higher than that. He asked for the title of prince. The papal nuncio said it would cost him \$10,000, and he requested the nuncio to get the patent. The Vatican made him prince and he forgot to pay for the honor, which minor fact, however, has not invalidated his title.

As soon as he got his title he organized an order of knighthood, which he called the "Order of St. Leon," and began to sell titles for this at a good price to any one who wanted to buy. A decoration is very dear to a certain class of Frenchmen, and the prince prospered so much that he contemplated buying an estate on the Riviera which would place his principedom on a secure foundation. About this time the law stepped in and decided that he had no right to sell the decoration. He was prosecuted and sentenced to serve six months in jail and pay a fine of 1,000 francs. He paid the fine and served his sentence.

ITALY'S FADING GLORY.

One More of Her Historic Buildings Said to Be on the Verge of Collapsing.

Alarming accounts come from Aquila as to the condition of the campanile of San Bernardino. A large crack has appeared in the southwest corner of the tower, which is described as in imminent danger of collapse, says a report from Rome.

It is possible that the imagination of the local correspondents is still under the enervating influence of the Venice catastrophe, but the commanding officer of the garrison at Aquila considered the danger grave enough to necessitate the evacuation of part of the barracks adjoining the tower, and a special engineer has been sent to ascertain the measures necessary for its preservation.

The campanile of San Bernardino was built in 1472. It was struck by lightning, which knocked down several feet of the upper part, in 1667, but the earthquake of 1703, which destroyed many buildings in the neighborhood, left it untouched.

At a recent congress of engineers at Cagliari a motion framed by the architect, Luca Beltrami, was read, which met with loud applause. The motion proposes in defense of Italy's historical buildings a radical reorganization of the whole bureau which is charged with their care.

The most important suggestion is that traveling inspectors should not hold their appointments for life, but their appointment should be renewable according to the merit of their work.

FIGURES FOR FLY-TIME.

Twelve or Thirteen Generations Produced in a Summer and Millions from One Fly.

An exchange quotes a distinguished entomologist as saying that a single female fly will lay 120 eggs during her life of 10 to 15 days, and that of these 90 or 100 will produce other flies, says The Louisville Courier Journal. During a summer 12 or 13 generations of these flies will be produced, so that millions in one season may be the descendants of a single fly. "Millions" is a feeble word to express the number that would be produced under this estimate. Putting the first generation at 100, and allowing that half of them are females, the second generation would number 5,000, with 2,500 females. The third generation would number 250,000, the fourth 1,250,000, and the fifth 62,500,000. Continuing the calculation on the same system to the twelfth generation, we should get a grand total of 4,882,812,500,000,000, or expressed in words, four quintillions eight hundred and eighty-two quadrillions, eight hundred and twelve trillions, five hundred billions, a number quite inconceivable. Estimating the population of the earth at a billion and a half, this would give 3,255,208,333 1-3 flies to every man, woman, and child on earth, all the descendants of one fly in a single summer.

DeWet's Military Status.

Gen. DeWet, the sturdy Boer leader, carried his independence with him to London and showed it in marked fashion during his interview with Colonial Secretary Chamberlain. The latter addressed him as "Mr. DeWet," whereupon the warrior from South Africa corrected him by saying "Gen. DeWet." Almost immediately afterward Mr. Chamberlain repeated the "Mr." and DeWet said, sternly: "General or nothing." Then the suave Chamberlain followed Lord Kitchener's example and recognized the military status of his visitor.

Ought to Be Meadville.

A curious political situation is presented in Greenwich, Conn., where three rich men, each named Mead, have been nominated on separate tickets for members of the state assembly. There are 2,700 voters in the town, and of these almost ten per cent. are of the same name, including the wealthiest and most influential citizens.

"He Won't Die"

Of consumption" is a remark often made of a fleshy man. The remark expresses the popular recognition of the fact that the sign of consumption is emaciation, loss of flesh.

On the other hand, a gain in flesh is a sure sign that wasting diseases are being cured. Emaciated people with obstinate coughs, night-sweats and weakness, have been perfectly cured by the use of Dr. Pierce's Golden Medical Discovery. The several steps of the cure were recorded in ounces and pounds of increasing weight.

When there is gain in flesh the wasting disease is being surely cured. Mr. Will H. Whitmore, of Arlinton, Rockingham Co., Va., writes: "Our son contracted a deep cold about the first of July, 1899, and had a terrible cough. We called a doctor and he pronounced it irritation of the bronchial tubes, with asthmatic trouble, and he informed me that my son was liable to die at any time. He told me that if we could keep the bronchial tubes open, he might cure him, but after treating him several weeks and my son growing worse all the time, I concluded to try Dr. Pierce's Golden Medical Discovery and Pleasant Pellets. I had seen several almost miraculous cures brought about by the use of these medicines, and of course I had wonderful faith in them. He used three bottles of Golden Medical Discovery at home and one vial of the 'Pellets,' and was then well enough to go to West Virginia, taking a supply with him. I am just in receipt of a letter from him from which I quote: 'I am well and hardy and getting very fleshy.' The Common Sense Medical Adviser, 1008 large pages is sent free on receipt of stamps to pay expense of mailing only. Send 31 one-cent stamps for the cloth-bound volume or only 21 stamps for the book in paper covers. Address Dr. R. V. Pierce, Buffalo, N. Y.



traveled by the rural carriers may be always kept open and in such passable shape that the service can be regularly and punctually performed.

Should the regularity of the service be needlessly destroyed as the result of inattention and lack of care bestowed on the highway, the permanent withdrawal will very likely result.

Rural letter carriers are required to serve their routes regularly at all seasons of the year and in every kind of weather when it can be done without seriously imperiling their conveyances or the United States mail which is in their custody.

Patrons should clear away the snow drifts, so that the carriers can drive to and reach boxes from their vehicles with out dismounting.

It is not a part of the carriers' duty to break out the roads after a severe snow storm.

Rural carriers are expected to energetically try to serve their routes, even though the conditions be extremely adverse, and any undue lack of zeal on their part should promptly be brought to the attention of this office for such action as the merits of the case require.

Respectfully,  
(Signed) A. W. MACHEN,  
General Superintendent.

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Year Just Ended Dark in Tragedies.  
World's Loss of Life in 1902. Mainly From Seismic Disturbances and Wars, Greater by Thousands Than for a Decade Previous.

Loss of life in 1902, from statistics gathered from all parts of the earth, according to the Chicago Tribune, exceeded that of recent previous years by many thousands.

The volcanic eruptions in the West Indies, which alone added more than 50,000 to the death list, and earthquakes throughout Europe and Asia, are mainly responsible for the increase.

War, though the past year has seen only the simmering of rebellions, adds 25,700 to the list, the greatest losses coming from the Transvaal, China, Africa and Venezuela.

Epidemics increased the number of their victims 43,000 over those of the year previous, the total number of them being 386,000.

Shipwrecks account for 4200 of the accidental deaths, doubling the number of the year previous. Suicide figures show a grand total of 8231. The increase has been steady and almost proportionate for the past five years.

In lynching the statistics record only 96 for the past year, as against 135 for 1901.

Divided among States, Louisiana and Mississippi led the list, each having eleven lynchings. Kentucky comes next with nine. In twenty-one States citizens took the law into their own hands. Capital punishments were 144 as against 118 of the year previous.

Mississippi leads the list with twenty-one. In twenty States there was no capital punishment.

The fire losses for the year reach the tremendous total of \$154,600,000 but great as the sum is, it is a decrease from the losses of the preceding three years.

In 1902, 8830 murders were committed, an increase of 1000 over the year previous. The extent of defaulting, embezzling, forgery and bank wrecking exceeded by nearly \$2,000,000 the figures of 1901. The actual figures are \$6,769,125 again \$4,089,569 for 1901. Gifts and bequests to educational, religious and charitable institutions for the year fall below the record breaking year of 1901 by \$46,491,515.

Rural Free Delivery.  
The following communication has been received by the postmasters hereabouts, from the department at Washington and is of interest to persons interested in rural free delivery.

The department looks to the patrons of the rural free delivery service who are receiving the benefits of the service to use their utmost personal endeavors, and also to exert their influence with the road supervisors, or with those officials who are responsible for the conditions of the highways, to the end that the roads

SECOND WEEK.  
Bloom—B. B. Freas, J. H. Mercer, Arthur Smith, Robert Watkins.  
Benton Boro.—James Conner, E. O. Little.  
Benton Twp.—John Ruckle.  
Berwick—W. H. Catterall, George Owen, Otto J. Smith, J. C. Spounerberg.  
Briarereek—L. J. Adams, Abraham Lockard.  
Catawissa Boro.—John Kline, Josiah Yeager.  
Center—Elias Wertman.  
Centralia—James Levan, E. J. Troutman.  
Cleveland—John Mowrer.  
Conyngham—John Grant, James Grant, Martin Malaney, Jr.  
Fishingcreek—Dayid Alegar, C. S. Runyon.  
Franklin—Geo. W. Getty.  
Greenwood—G. B. Appleman.  
Locest—William Adams, Charles Hughes, Aaron Yoder.  
Madison—Warren Mausteller, Harvey Shultz, Roy Workhiser.  
Milfilin—A. B. Cressy, A. W. Snyder, Horace Swappenhelsor.  
Montour—Harry Dailey.

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