FORTY-SIXTH YEAR.

PITTSBURG, THURSDAY, MAY 28, 1891.

A SHOW FOR KICKERS

Baker Secures Some Amendments to the Ballot Bill in Conference.

MORE LIKE REAL REFORM

A Week's Time Is Now Allowed the Independents After the Regular Nominations.

\$1,000 FOR WHOLESALE LICENSES.

The Legislature Also Places More strictions Upon This Class of Dealers.

ONE VETO VERY NEARLY KNOCKED OUT.

On the McConnell Bill the Senate for the First Time Goes Against the Governor, but He Wins in the House.

PATTISON FIRES A BOMBSHELL AT MIDNIGHT

[FROM A STAFF COURSPONDENT.] HARRISBURG, May 27 .- When the Baker

ballot bill came over to the House to-day for concurrence in the Senste amendments, there was a lively time for awhile. Mr. Baker opposed concurrence strongly, de-claring the amendments had utterly emascuclaring the amendments and utterly emascu-lated the bill, and practically perverted it from its original purpose. He called on the House, and the Republican side especially, to refuse to concur and demand a conference committee, as he believed that the most obpoxious features of the bill could be modified and an agreement reached between the

Ex-Speaker Graham also opposed concurrence. He had voted for the original bill, believing that it was a good measure, al-though not going so far as he had desired, but the present measure was "a fraud, a retense, a sham and a disgrace to the Legislature of Pennsylvania." Mr. Riter, of Philadelphia, said he was for true ballot reform, unmutilated and not deformed, and there, God helping him, he would stand.

Democrats Feared Something Worse. Singularly enough, considering their past

course on the bill, the Democratic side made the only arguments in favor of con currence. What influence Secretary Harrity, who was circulating among the Democrats, had in the matter can only be con-

Riter and Skinner argued to the same effect, but Gillan and Roper asserted that no matter what their fellow Democrats might do, they would not vote for the con-

The yeas and mays were called, and the House refused to concur, the vote standing 98 to 89. Nine Democrats and 80 Republicans voted against, and 66 Democrats and 32 Republicans for concurrence. The Speaker appointed Messrs. Baker and Riter, Republicans, and Fow, Democrat, conferees on the part of the House. Senator Gobin and Nech, Republicans, and Green, Democrat, were appointed on the part of the Senate. The two first Senators voted against the bill on final passage in the Senate.

How the Measure Now Stands. The committee held two protracted ses

sions, and finally agreed upon the following amendments, Mr. Riter alone dissenting: Parties casting 3 per cent of the highest entire vote east shall be entitled to place their candidates upon the official ballet, this provision being unchanged, but in the case of independent pomination the nomination papers must be signed by one-half of 1 per cent of the highest entire vote east for any officer "elected" at the preceding election. As the Senate passed the bill, it required one-half of 1 per cent of the highest entire vote forany officer east," etc. This change therefore gives in dependents a much fairer chance to get in

their nominations, Certificates of nomination must be filed 56 days and nomination papers 49 days before the election, thus giving independents one week after the regular nominations are made in which to make theirs. In city and county nominations the limit is 42 and 35. and in boroughs and townships 10 and 7 days, instead of 40 and 20 days. Section 27, upon which the main fight has

been, was amended to read that if any voter declare to the judge of election that "by reason of disability" he is unable to prepare his ballot, he may take a voter into the berth to assist him. The Senate provision was "for any cause." He is not, however, required to swear to his disability, and it was upon this that Mr. Riter dissented

A STRUGGLE FOR VOTES.

Very Lively Fight Over Appropriati

\$157,000 for the State College. HARRISBURG, May 27 .- There was a lively debate over the bill to appropriate \$157,000 to the State College in the House this evening. Mr. Capp characterized the bill as an outrage, and attacked the college as a useless and practically unknown institution. The state had already appropriated enough money to line its walls with gold, and there had never been any results which justified the expenditure. Mr. Wherry defended the college and the appropriation, stating that the United States appropriate \$45,000 annually for its support, and would increase the amount \$1,000 every year for the next 15 years.

ears.
If the State did not do its share the naif the State did not do its share the ma-tional appropriation would be lost. Some of the most active skirmishing for votes that has been seen since the road bill passed was practiced by both sides, but the bill finally went through, receiving 115 votes.

IT WAS A STAND-OFF.

A Split on the Mathilda Gross McConnell Veto of the Governor.

HARRISBURO, May 27,-For the first time this session the senate refused to sustain an Executive veto, when the bill to enable Mathilda Gross McConnell, of Allegheny county, to convey certain property freed line McConnell, vetoed by Governor Pattison last week, was called up. Senator Flinn made a brief statement of its purpose and the necessity for its passage. The roll was called, and the 37 Senators voted to mass the

i, notwithstanding the Governor's objects. The 31 Republicans all voted yea, if Senators Brandt, Dunlap, Hall, Herring, Donald and Rooney, Democrats, voted the then Eight Senators, all Democrats, of both the Control of the Control

with them. Eight Senators, all Democrats, stood by the Governor.

When the bill came up in the House, Mr. Graham made a strong plea for its passage over the veto and read a letter from A. M. Brown, Esq., of Pittsburg, who drew up the will of Evaline McConnell, setting forth that the act would only carry out the intention of the testatrix. Mr. Wherry defended the veto, following the line hid down in the Governor's message, and the vote which followed showed that the Democratic side had been brought into line in support of Mr. Pattison. The veto was sustained, the vote standing 115 to &, or 21 less than the number requisite to override it. But three Democrats, Messrs. Gentner, Ellwood and Missimet, voted with the Republicans.

A FLOP ON LICENSE.

NEW WHOLESALE BILL DROPPED AND THE OLD ONE PASSED.

Substitutes the Bill That Passed the House-No Change in the \$1,000 and \$500 License Fees

HARMISCUR, May 27.—Surprises on the license question appear to be the order in the closing days of the Legislature. When the Senate took up the wholesale bill tonight, a motion was made to go into committee of the whole for amendment. It prevailed, and Senator Harian promptly moved to substitute the bill which passed the House, but which the Senate Finance Committee dropped, taking in its stead the bill prepared by the Pitteburg Wholesalers' Association. It was agreed to, and the committee arose and promptly passed the original bill by a vote of 26 to 17. The first vote was 27 to 16, but Senator Neeb, who had nat bill by a vote of 26 to 17. The first vote was 27 to 16, but Senator Neeb, who had voted yes under a misapprehension, changed his vote to nay.

The bill provides that wholesalers, dealers, brewers, distillers, rectifiers, compounders, storekeepers and agents having stores or offices in the State shall pay for each separate establishment a license fee of \$1,000 in cities of the first and second-classes, \$500 in third-class-cities, \$300 in all other cities, \$200 in boroughs and \$100 in townships. In all cities bettlers' licenses shall be \$300, boroughs \$200 and townships \$100. Brewers and distillers shall be permitted to deliver their products within the county where the license is granted.

within the county where the license is granted.

All licenses shall be granted by the Courts of Quarter Sessions, the provisions being identical with those relative to the granting of retail licenses under the Brooks law, with the exception that in the case of distillers and brewers it shall not be necessary to prove that the place is necessary for the accommodation of the public. Ecctifiers, compounder, distillers or manufacturers shall not sell spirituous liquors in less quantities than one gallon, nor shall any wholesale dealer or storekeeper sell any spirituous or vinous liquors in less quantities than 12 pint bottles, nor shall brewers or bottlers sell less than the latter quantity. No liquors chall be drunk on the premises, nor in any place provided for that purpose.

\$300,000 FOR THE WORLD'S PAIR. The Manner in Which the Commission Is to

HARRISBURG, May 27 .- The World's Fair Commission, as agreed on by the Committee on Conference, will consist of the Governor. Lieutenant Governor, President pro tem, Speaker, and 30 others, to be appointed by the Governor. The appropriation is \$800,000.

ALMOST A HOUSE RIOT.

Wherry Charges Fraud in a Count and Raises a Big Sized Row.

cruts, had in the matter can only be conjectured, but he favored concurrence, and the minority, with a few exceptions, seemed to take their cue from him.

Mr. Wherry, while admitting that the follows imperfect, and the House refused to concur in the Senate amendments to both the Stratorial and Legislative apportionment conference committees were appointed, and concur in the senate amendment to both the Stratorial and Legislative apportionment recommended that the House recede from its position and concur in the Senate amendments. The House agreed to this by a vote of 115 to 75. There was HARRISSURG, May 27 .- The rock upon which

to this by a vote of 115 to 75. There was great disturbance while the vote was being taken, and the Democrats questioned the correctness of the count. Mr. Wherry came to the desk and charged, although not addressing the Speaker, that 25 votes had been counted for the bill which had not been cast. counted for the bill which had not been cast. This almost caused a small riot and Mr. Brooks and Mr. Stewart declared that Mr. Wherry had impugned the honesty of the officers of the House. Mr. Wherry got out of it by claiming that he had not made the remark to the Chair. The House members of the conference committee on the Senatorial bill reported that the committee could not agree, and asked to be discharged. This was done and a new committee appointed. No report has as yet been made.

ITS FATE IS UNCERTAIN.

Flinn's Street Railway Bill Is Amended, but It May Not Pass.

HARRISBURG, May 27 .- Senator Flinn's bill providing for the sale or lease of the property and franchises of street passenger railway companies to motor power comwas amended to empower any such railway company to contract with such rankay company to contract with such motor power company for the con-struction of motors, cables, electric ap-paratus and appliances and to secure the payment of the price thereof by bonds, mortgages of franchises and otherwise. All such leases, contracts, obligations and securities heretofore given are declared to be valid, as though this act was in existence at the time of their making.

be valid, as though this act was in existence at the time of their making.

No motor power company, required by law to procure consent of the local or municipal authorities to enter upon streets and highways, buying or leasing the property of franchises of any street railway company, shall have the right to operate by cable or electric power, without obtaining the consent of said authorities. The bill is toward the end of the calendar, and may possibly not be reached.

PATTISON'S SURPRISE PARTY.

Snyder and Robert Watchorn Named Place of Waller and Martin.

Harrisburg, May 27.—Just at midnight the Governor dropped a bombshell into the Senate by sending in the name of Z. X. Sny-der, principal of the Indiana State Normal School, for State Superintendent of Instruc-tion, and that of Robert Watchorn, now As-sistant Executive clerk, for Factory Inspector.

The nominations will not be confirmed, the Republican Senators being solidly

NEER STILL ON DECK.

His Jefferson Township Anti-Prohibit

Bill Passes the House, ₱ HARRISHURG, May 27.—Senator Neeb's bill repealing the local prohibitory law for Jefferson township, Aliegheny county, passed the House finally to-night. The vote stood 108 to 50, and the necessary number was only obtained after several members, at the solicitation of some of the Allegheny delegation, had changed their votes in its favor.

THE CHARTER BILL THROUGH.

Senator Flinn Calls It Up and Has It Pas Finally by the Senate. HARRISHURG, May 27 .- On motion of Flinn

the Pittsburg charter bill was passed finally, any power he now possesses.

Three Bills Laid Out. HARRISBURG, May 27 .- At the afternoon ser sion of the Senate these bills were indefision of the Senate these hims were inden-nitely postponed: To prevent the sale and manufacture of cigarettes; to prevent the smoking, buying and using of cigarettes; to establish a more uniform and precise game

HARRISBURG, May 27.—Governor Pattison to-night issued the commission of Dr. Eggle, the Republican State Librarian. No action has been taken in the cases of State Super-intendent Waller or Factory Inspector Martin.

Another Mining Bill Passed. HARRISBURG, May 27.—The House receded from its nonconcurence in Senate amend-

ments to the authoreite mining bill, and the bill as amended was adopted. This bill PARNELL WILL MARRY for in France, sufficient to feed all the every fortified both as amended was adopted. This bill PARNELL WILL MARRY for in time of war.

MANY BILLS PASSED.

ate Takes Up and Rushes Through

Large Number of Them.

HARRISHURG, May 27.—In the Senate the following bills were passed finally:

Making an appropriation of \$25,000 for the erection of a wing to the Western Penitentiary and a cellhouse for female prisoners; to Children's Aid Society of Western Pennsylvania; to Pittsburg and Allegheny Home for Friendless, and to Ladies' Grand Army Home, at Hawkins station, Allegheny county: further empowering courts to authorize the removal of remains in cities or boroughs and for disposition of real estate for religious or charitable to authorize the removal of remains in cities or boroughs and for disposition of real estate for religious or charitable purposes; authorizing sale, conveyance and exchange of portions of the land belonging to the Commonwealth at Erie now occupied by the Soldiers' and Saliors' Home; validating acknowledgments heretofore taken by deputy consuls and commercial agents of the United States and to authorize these officers to take acknowledgments of all instruments of writing concerning property in this State; providing for the recovery of damages to trees along public highways by telegraph, telephone and electric light companies; conferring on husbands, wives and parents the right of possession of the bodies of their deceased wives, husbands and children; prohibiting mining and manufacturing companies from engaging in the company store business; making appropriation to assist in furnishing a hospital in oil City; fixing hundred weight of bushel of potatoes; to provide for publication of 30,000 copies of the report on the birds of Pennsylvania; to protect holders of policies of insurance issued by casualty insurance companies; making appropriation for payment of Felix C. Negley.

MAY DELAY ADJOURNMENT.

The House Not Disposing of the Senate Bills HARRISHURG, May 28, 2 A. M .- At this the House has acted upon but five of the 83 of, the Senate of extending the session another week. A consultation was held, and it was decided to wait awhile. Possibly half of the calendar can be got through with, but it cannot be cleared. The Senate has taken two or three recesses to wait for busines from the House.

The usual disorder prevails in the House, although the members have hardly been as lemonstrative as on other closing nights. At midnight a recess of half an hour was taken for lunch. As this report closes, both Houses are in session, and it is not likely that they will adjourn before daybreak.

GRAVE SCANDALS CHARGED.

A Proposal to Investigate the State Lunat

Hospital at Warren.

Harrisburg, May 17.—The proceedings of the Senate to-day were opened by the offering of a resolution by Senator Markley, of Montgomery, for the appointment of a committee to investigate charges made against the management of the Warren State Lunatic Asylum. Among the alleged delinquencies of the institution are cruel treatment and lack of discipline. Senator MoCreary, of Erie was satisfied that the charges could not be sustained, and said the allegations contained in the resolution had not even the respectability of a common rumor. Senator Markley said he had letters and so had other Senators, showing the necessity for the proposed investigation.

Senator Thompson opposed commissions, as history demonstrated that nearly all of them amounted to nothing or very little. Senator Hines, of Luzerne, said some of the senator incomposed opposed commissions, as history demonstrated that nearly all of them amounted to nothing or very little. Senator Hines, of Luzerne, said some of the Charges were unfit to be printed. Senator Robinson, of Chester, inquired whether the charges term and preferred by inmakes of the hospital, to which the Senator from Luxerne answered in the affirmative from Luzerne answered in the affirmative, but afterward stated that some of the let-ters written on the subject of complaint came from citizens outside the institution.

FLINN'S WHARF BILL THROUGH.

In Spite of Some Opposition, It Is Now Rest ing in the Governor's Hands. HARRISBURG, May 27 .- Senator Dunlap, of Beaver, entered a protest against the man-ner in which the Flina bill, authorizing the appropriation of wharves in cities of second class for park purposes amended in conference com was amended in conference committee. The Senate had concurred in the action of the committee, and Mr. Dunlap moved to consider the vote by which affirmative action had been taken, because, in his opinion, the Constitution had been violated in striking out the classification as to cities of the second cass and making the bill apply to all cities. His motion was defeated. In the House Representative Gillan, of Franklin, made a speech against favorable action on Flinn's wharf bill for reasons similar to those advanced in the Senate by Mr. Dunlap, but the House adopted the report, and the bill is now ready for the Governor's consideration.

GOBIN CAPTURES THE PRIZE.

The Republican Senatorial Caucus Nan Him for President Pro Tem.

HARRISBURG, May 27 .- The Republican S atorial caucus met to-night and nominated Senator J. P. S. Gobin, of Lebanon county, for President pro tem. Senator Harlan, of Chester, was the only candidate against Gobin, but the latter had the inside track and carried off the prize by a vote of 17 ator Gobin's term expires in Decembe

'Senator Gobin's term expires in December, 1892, and unless he obtains a re-election, the Senate will be minus a presiding officer when the next Legislature meets. It is claimed, however, that he is practically sure of a renomination and re-election.

DICK QUAY IN A ROW.

He Has a Lively War of Words With E Clerk Samuel Losch.

-HARRISBURG, May 27 .- Ex-Chief Clerk San uel A Losch and Dick Quay had a brief al-tercation in the House to-night. Mr. Losch says Mr. Quay ordered him off the loor of the House, but the latter denies this and says that he saw the ex-Chief Clerk standing at the clerks' desks where the bills were, and requested him to let the papers ere, and requested him to let the papers lone and move away. The colloquy was short, but decidedly per-onal while it lasted.

LAID QUIETLY TO REST.

The Lytle Insurance Bill Indefinitely Pos poned by the Senate, HARRISBURG, May 27.-The Lytle insuranbill, which sought to compel companies to deposit with the State Treasurer the amount of a contested claim in addition to 10 per cent for coun sel fees and providing for cash surreb sel rees and providing for cash surren-der values after the payment of two prem-iums, was indefinitely postponed in the Senate by 31 yeas to 5 nays, as was the bill fixing the term of office of notaries public.

SENATE STATE COMMITTEE.

Flinn Will Help Name That Body's Officer for the Session of 1893.

HARRISBURG, May 27 .- At the Rep caucus the following State Committee was elected: Flinn, Allegheny, Crawford, Ve ith, Lancaster; Crouse and Ti committee will select the officers for

CALLS IT THE KINETOGRAPH.

The Latest Machine Devised by the Greates

of Inventors, Edison. [SPECIAL TELEGRAM TO THE DISPATCH.] New York, May 27.-Inventor Edison has completed a machine which reproduces scenes, sounds and motions occurring at a He has called this wonderful new instru-

Mrs. Kate O'Shea Certain to Again Become a Bride in July.

FORTUNE OF \$500,000 AT STAKE

The Divorced Wife Urging Parnell to Fight For the Leadership.

TOUR THROUGH AMERICA PROBABLE

(BY DUNLAP'S CABLE COMPANY.) LONDON, May 27 .- Mr. Parnell will certainly marry the recent Mrs. O'Shea in July. Those best informed declare that the tennoity with which Mr. Parnell has clung to his position as leader of the Irish Nationalists, and the desperation with which he has fought the battle with his political opponents, are largely due to the influence of the

divorced wife of Captain O'Shes.
Should that lady win the probate suit now ending regarding the disposal of the legales under the will of her aunt, Mrs. Wood, she will become possessed of \$500,000. It is rumored that after his marriage and the rogation of Parliament, Mr. Parnell and his bride will visit America

TEN PEOPLE CREMATED And Many Patally Injured in a Petr

Fire, Still Raging Flercely.

DUNKIER, May 97.—It is only now possible to state the terrible results of the explosion of petroleum in this city yesterday. The ignited oil was thrown in every direction with great force, large sheets falling upor the adjoining houses and setting them on fire. Seven of these burned so fiercely that no effort could be made to save them. It is now found that ten of the inmates are miss-ing. They are supposed to be dead, while between 20 and 30 are so seriously injured that the majority of them are not expected to live. Although the firemen and relays of

to live. Although the firement and relays of volunteers have worked incessantly, the conflagration has not yet been subdued.

Already it has burned over 5,000 yards, and heroulean efforts are being made to confine it within its present limits, since in the immediate vicinity there are eight other petroleum reservoirs, besides several storehouses containing hundreds of barrels of naptha. Should the fiames spread until they reach these extra dangerous localities, there is no estimating the extent of the damage that might be done.

AN IRISH MAIDEN'S LUCK.

She Gets \$20,000 Through an Old Gentle

man's Fatherly Fancy for Her. (BY DUNLAP'S CABLE COMPANT.) LONDON, May 27 .- The case of Smith vs. Park came up for hearing this morning. It will be remembered that an old gentleman named Cornelius John Park, residing at Teddington, on the Thames, 15 miles above here, having taken a fancy to Margare Smith, an Irish maiden lady of 35, execute a deed giving her £30,000 pounds if she mar-ried his son, but in case his son should re-fuse, Miss Smith was to receive £20,000 within fuse, Miss Smith was to receive £20,000 within six months after his death. Soon afterward the testator died, and his son refusing to carry out his father's wishes, Miss Smith brought suit for the £20,000.

The Attorney General, Sir Edward Clarke, Q. C., closely examined the plaintiff, a buxom, matronly-appearing woman, as to her previous life, but was unable to bring out anything to her discredit, or to show any reason why the explicit provisions of the will should not be carried out. The jury accordingly brought in a verilot for Miss Smith.

BALM FOR CHEVALUER SCOVEL

The Famous Tenor Settles His Libel Suit for

Fifteen Hundred Dollars [BY DUNLAP'S CABLE COMPANY.] LONDON, May 27.-The suit which was LONDON, May 27.—The suit which was brought by the well-known singer, the Chevalier Scovel, against the St. Stephen's Review, the society paper, which stated in an issue a few months ago that he had married his wife, who was Miss Roosevelt, of New York, for money, and in which other matter he stigmatized as libelous occurred, came up for hearing today. Mr. Scored with the little was the little of the stigmatized of the little of the for hearing to-day. Mr. Scovel made his ap for hearing to-day. Mr. Scovel made his appearance, accompanied by his wife, mother and sister, but those spectators who had hoped for an interesting, more or less theatrical trial were disappointed.

In opening the proceedings, Mr. Scovel's counsel announced that the parties to the suit had agreed on a settlement, with the court's permission, viz: That a verdict should be given for the plaintiff with damages of £200 against the printers and of £100 against the editor of the paper in question, and that the latter should tenderan apology in full for the statements which had appeared.

WALES AS A WITNESS.

The Prince Summoned to Appear at th

Baccarat Trial on Monday Next. [BY DUNLAP'S CABLE COMPANY.] LONDON, May 27.—The great baccarat card cheating case, in which Sir W. Gordon Cum ming is implicated, will come up for tria next Monday before the Lord Chief Justice and a special jury. Applications for seats are pouring in on all sides from people of the highest social position. The court room, although the largest in the great Palace of Justice, cannot accommodate a tenth part of the applicants for admissions. His Royal of the applicants for admissions. His Royal Highness, the Prince of Wales, has been informed by the solicitors on both sides, that his presence is requested.

He has in his possession a document signed by Sir W. G. Cumming after the allegations had been made against him at Tanby Croft. The Prince will be accommodated with a seat on the bench, and it is believed that both sides will agree that his examination will be taken as early as possible in the proceedings and so dispense with his continued attendance.

A WOMAN SUFFRAGE FIGHT.

The Question Likely to Break Up an English

Female Political Society. [BY DUNLAP'S CABLE COMPANY.] LONDON, May 27.—There is every prospect that the annual meeting of the Woman's Liberal Federation will not be harmonious The burning question of the hour is woman suffrage, that reform being advocated by such leading members as Lady Sandhurst, Miss Cobden, Miss Cons and others. On the opposite side are ranged the majority of the association, who strenuously oppose the in-sertion of any planks in their platform not approved by the Liberal party itself.

In addition to this bone of contention is the stand taken by the Executive Commit-tee of the Federation, who, this year, pro-pose assuming increased powers.

CLIPPED BY A BULLET.

The Tip of a Customs Officer's Ear Shot Off by a Concealed Pistol. FBY DUNLAP'S CABLE COMPANY. 1

LIVERPOOL, May 27.—A tremendous sensa-tion was caused at the landing of some express beggage from the steamship Etruria in the Alexandria dock to-day. The officers were examining a rather large package, when suddenly a loud report was heard and the tip of Surveyor Kearn's ear was shot Great excitement ensued. The police rushed to the spot, the package was opened and a huge revolver, with one chamber empty, was found among the contents.

[BY DUNLAP'S CABLE COMPANY,] Bondeaux, May 27.—M. Bergier, a Magis-trate of the Court of Appeals, drowned him-self yesterday in the Garonne at this place on account of having made heavy losses in

France Getting Ready for War.

Paris, May 27.—The Chamber of Deputies
to-day passed a bill providing for the stor-

IT MAY BE A BENEFIT. BARON HIRSCH TELLS ABOUT THI EXPULSION OF BUSSIAN HEBBEWS.

Country Where They May Become Citi-sens-The Car Does Not Know About the Injustice to His Subjects.

Pages, May 27.—Baron Hirseh in an inter-riew to-day in regard to his plans for the amelloration of the condition of the He-"The measures now enforced against the Hebrews in Russia are equivalent to a wholesale expulsion of the race from the Russian empire. This fact does not appear to the race from the Russian empire. to me to be altogether a misf for the Russian Hebrews. The

thing that could happen to them would be to continue for an indefinite period the wretched existence which they have hitherto led in crowded, narrow streets, without any hope of improving their cond tion. This state of affairs has reduced ther to a condition incompatible with the dignity of human beings. The only means of im-proving their condition is to transport them to other countries where they may enjoy the same rights as the people among whom they

to other countries where they may enjoy the same rights as the people among whom they live.

"What is going on in Russia to-day may be the prelude to this beneficial transformation; therefore, while we are filled with horror at the atroctities committed, let us hope to derive from them some advantage for, the unfortunate victims of oppression and facilitate their expatriation, which is their only means of salvation.

"There are two ways of alleviating the miserable lot of the Russian Hebrews. The first plan is to acquaint the Czar with the truth in regard to the cruelties which are perpetrated dafly in his country and in his name. I am personally convinced that an appeal to the Czar's sentiments of justice, humanity and mercy would not be in vain. The Czar most assuredly is not aware of the persecution which is committed under the shield of his authority. If the Czar was made fully aware of the facts in connection with the treatment which his Hebrew subjects are forced to endure, I am certain that he would not hesitate to stop the barbarity complained of, and while maintaining, if necessary, the government's policy, in regard to the expulsion of the Hebrew, he would order the application of this policy to be made in both a humane and a gradual manner."

AN OLD SEA-DOG'S ROMANCE.

Vhen a Boy He Saved Charlotte Cushi Life and Is Now Dead at 86.

[SPECIAL TELEGRAM TO THE DISPATCH.] Bosrov, May 27.—Captain Cornelius Lovell, of East Boston, who once saved Charlotte Cushman from drowning when both were children, died to-day, aged 86 years. He followed the sea for many years, and when he left the sea he had an interest in a number lowed the sea for many years, and when he left the sea he had an interest in a number of vessels. He became ship broker and commission merchant. One day when a mere boy he missed a girl whom he saw playing on the wharf, and rightly supposed that she had fallen into the dock. Observing the water bubble up he sprang overboard and soon brought to the surface the missing girl, more dead than alive. She was taken to a store and restored to consciousness, after which he accompanied her to her home. Her poor mother was grateful beyond expression when informed of what the sailor boy had done and said that she would never forget him while she lived. On the way home he learned that the girl's name was Charlotte Cushman, and she insisted that he, too should tell her his name, because she wanted to pray for him. It was all she could do, for she was very poor. A few years before her death she gave a reading at Fast Boston. At the close of the entertainment a friend who knew the incident of her rescue introduced Captain Lovell to her, with a brief allusion to his having saved her life. She was apparently overcome by her own gratitude and exclaimed: "Forgot it; how could I forget it?"

CASEY'S DEATH JUSTIFIABLE.

One of General Miles' Staff Testifies in Favor

[SPECIAL TELEGRAM TO THE DISPATCH.] SIGUX FALLS, S. D., May 27.—The event of Plenty Horses' trial to-day was the testi-mony of Captain Frank D. Baldwin, a memmony of Captain Frank D. Baldwin, a member of General Miles' staff. He appeared for the defense and declared that Casey was a scout, whose whole duty was to report the movements of the enemy, and that when he proposed to hold a council with Red Cloud and other chiefs he exceeded his authority. The impression left by Baldwin's testimony was that a flerce war of magnificent proportions reigned at Pine Ridge and had it not been for the military display made by General Miles the trouble would still be raging with all its flerceness. The object to be gained was that if a war raged and Casey was a spy, then Plenty Horses was justified in killing the Lieutenant.

Pienty Horses still retains his wonderful nerve, and, although he understands everything going on, he gives no indication whatever of his feelings. R. O. Pugh, issue clerk, testified that rations were issued by the War Department to the band to which the prisoner belonged after the surrender of the No Water camp. Living Bear, father of Plenty Horses, has not yet arrived, but it is though the will reach this city by to-morrow. Living Bear's non-appearance is one of the strange features of the case, and it may be possible the trial will not go on to-morrow on Living Bear's account.

THE CHARLESTON HEARD FROM.

e Arrives at Callao but Catches No Sight of the Elusive Itata. Washington, May 27 .- The Navy Depart ment to-day received its first news from the Charleston since she left Acapulco, Mex., the first of last week, in continued pursuit of the Itata. When the vessel failed to touch at Panama within the time expected, the de partment said that it was very probable it had been decided to keep straight on down the coast, and that the Charleston would first be heard from at some Peruvian port. This prediction is fulfilled, for the port at which the Charleston announced her arrival is Callao. The whereabouts of the Itata are as far from being known as before the Charleston was heard from, for Captain Remey, her commander, reported that he had seen nothing of the Itata on his cruise down the coast.

The Charleston will join the squadron under Admiral McCahn in Chilean waters, and it is surnised that a report will at no very distant date come thence announcing the peaceful surrender by the insurgents of the clusive craft which the United States Government will libel and perhaps forfelt for violation of our neutrality laws. partment said that it was very probable it

MORE FISHERY TROUBLE.

France's Action at St. George's Bay Likely To Cause Fresh Complications. WASHINGTON, May 27.—Respecting the action of the French Government in stationing a warship at St. George's Bay, Newfoundland, to prevent United States fishermen from obtaining bait, it is said at the State Department that action cannot be taken nor can an opinion as to the merits of the case be given until further advices are recase be given until further advices are received. It has not yet been made clear to
the Department whether the warship has
prevented our fishermen from buying bait
or whether it has prevented the French inhabitants from selling it. These are two
very distinct and different propositions. In
the first case it might be taken as an assertion of authority over American citizens,
while in the second case, the French authorities might be exerting an undeniable authority over the French subjects. Until the real
state of the case is known there is nothing
for the State Department to do in the matter.

HEAVY JUDGMENTS ENTERED.

The American Machine Company, of Phila delphia, Goes by the Wall. PHILADELPHIA, May 27.—Eight judgment notes aggregating in amount \$730,851 were entered to-day against the American Ma-chine Company and executions issued upon

chine Company and executions issued upon them. The company manufactures postal scales and other devices, and it has a paid up capital of \$150,000. An effort is to be made to induce the creditors to agree to some plan by which the company can continue. Executions on judgments aggregating \$11,-900 were also issued to-day against Charles P. Herold, jeweler.

Four Spectators Fatally Wounded in a Fight With Canvasmen.

MORE THAN 100 BULLETS FIRED.

Chicken Thief Started the Wild Affray to Secure Revenge.

BRICKS USED AGAINST WINCHESTERS

(SPECIAL TELEGRAM TO THE DISPATCH.) MAHONOY CITY, PA., May 27.—This city was the scene of a terrible riot last night caused by the employes of Wallace's circus firing into a part of the audience that remained in the show after the performance was over, and fatally wounding Patrick Quinz from Shemandomh, and wounding several others, it is thought fatally. It appears the crowd under the canvas did not move fast enough to please the employes, who were anxious to get the canvas down, and they made an at-tempt to hustle them out without ceremony. Blows were struck and a flerce fight took place. Another squad of circus men with guns londed came to the rescue of those en-gaged and commenced firing into the crowd gaged and commenced firing into the crowd with the above result. Fully 100 shots were

fired by the circus men from guns loaded with shot and a hand-to-hand conflict then ensued. Stakes were pulled up and used by both parties and the noise and confusion caused the whole town to turn out. Bricks Used to Answer Bullets. Bricks Used to Answer Bullets.

Then the circus hands retreated up Pine street followed by the mob, who hurled stones, bricks and everything they could lay hold of at the fleeting employes. Finally the men reached, where the train was to watting and they hurriedly entered it. rumor was circulated that a number been killed by the circus men and this addition the excitement.

been killed by the circus men and this addto the excitement.

The Chief Burgess' services were called
into requisition, and he attempted to stop
the train containing the employes of the
circus, in which it is needless to add he signally failed, and some of the men engaged
in the fight received terrible gashes in the
heads from pins in the hands of the circus
men. A number of residents of the circus
men. A number of residents of the circus
men. A they made their way to the
train. It is impossible to learn how many
of the showmen and employes were injured,
but it is said four of them were carried
away.

away.

Among the rioters hurt were Patrick Quinn,
John Rees, Hugh and Edward Courtney,
Martin Tansie, Frank Watkins and Edward
McCanlley. These are seriously wounded,
and the death of four of them is hourly expected. The mob surrounded the train after
the showmen had entered it, and were piling
in after them when they were confronted
with the barrels of about 29 Winchester
rifies, and they turned and fied.

No Arrests Have Yet Been Made.

The canvasmen had become desperate, and had the mob attempted any further violence several of them would have been killed, having been warned that if they advanced further they would be fired upon. A few minutes later the train pulled out, but it was many hours before the mob dispersed. The injured were carried to their homes and physicians summoned.

Constable Charles Kindenst went to Pottsville early this morning to see District At-

Constable Charles Klindenst went to Pottsville early this morning to see District Attorney Koch in regard to the arrest of the
men engaged in the riot, but Koch being out
of the city he was directed to Deputy Shey,
who informed him that no proceeding could
be taken against them unless he had the
names of the parties implicated. Klindenst
stated that when the Chief Burgess and staff
attempted to board the train for the purpose of arresting the men, they were forced
back by Winchesters in the hands of the canvasmen, who threatened to shoot if they
advanced farther. Owing to the confusion
and crowd it was impossible to see who fired
the shots into the crowd.

Early in the day the boss can usman was
arrested for stealing a chicken, and upon being arrested and compelled to pay a heavy
fine, with the costs in the case, threatened to
have vengeance before the day was over.
This man has not been seen since the riot,
and it is believed that he caused the riot and

This man has not been seen since the riot, and it is believed that he caused the riot and fied for parts unknown. Officers are now investigating, and arrests will probably be made to-morrow. The show exhibited at

NEAL IS A CANDIDATE.

Official Notification of This Fact Sent to the Ohlo Democracy. [SPECIAL TELEGRAM TO THE DISPATCH.] COLUMBUS, May 27.—All doubts as to the candidacy of L. T. Neal for Governor were removed by a confidential letter received to-day, in which the Ross County Executive Committee and editors of the Democratic

papers at Chillicothe, Neal's home, make the following announcement:
"The best informed Democrats in the State, who, in so far as individuals are concerned, take a disinterested view of the po-litical situation and look to the interests of litical situation and look to the interests of our party alone, agree in the opinion that Governor Campbell cannot be re-elected if nominated. If they are right, Governor Campbell ought not to be renominated. In a contest between his personal ambition and the success of our party there ought to be no hesitancy in refusing him a second nomination. Lawrence T. Neal has, in compliance with the urgent request of many of the most active and influential Democrats in every section of the State, consented to lead in the effort to make the coming election a contest for principle.

"If McKinley wins this election it will be a vindication of his bill and the cause of protection. We can, by nominating Mr. Neal, settle the Presidental election in our favor in advance in Ohio this fall."

BURNED IN THEIR HOME. A Mother and Her Three Children Found Dead in the Ruius. TOPEKA, May 27 .- A small four-room fram residence at the corner of Buchanan avenue and Gordon street burned this morning. In the ruins were found the charred remains of Mrs. W. A. Uptegroff, aged 25, and her three children, all girls aged from 15 mouths to years. All the surrounding circumstances point to a deliberate and carefully planned riple murder and suicide. The scene of the

tragedy is in a sparsely settled portion of North Topeka, among an ignorant class of North Topeka, among an ignorant class of day laborers.

The fire was discovered about 10 o'clock. The Bouse was supposed by the neighbors to be uninhabited. It has been learned that the family moved into the house about a month ago. The father is a teamster, and left home early this morning to hunt work. He has not had any work since he moved here, and both he and his wife have been very despondent. He was found about 11 o'clock and told of the terrible fate of his family. In a half crazy condition he put the whip to his horses and hastened them to the spot. When he arrived he could only talk in an incoherent manner, and could give no information whatever to throw light on the affair.

LIQUOR DEALERS BARRED.

Motion to Admit Them Into the Knights of Pythias Badly Defeated. [SPECIAL TELEGRAM TO THE DISPATCH.] CINCINNATI, May 27.—The warmest contest the Grand Lodge, Knights of Pythias, has ewers, distillers and wholesale liquo brewers, distillers and wholesale liquor dealers and their traveling salesmen into the order. The debate was of the racy sort and many amendments were offered. A vote was not reached until just before the close of to-day's session, when the proposition was defeated by an overwhelming vote. A year ago the by-law excluding all dealers in liquor from membership passed by but four melority. ur majority.

A LAWSUIT OVER WORMS.

Too Many of Them Dropping Off a Man's Tree for His Neighbor's Comfort, [SPECIAL TELEGRAM TO THE DISPATCH.] ANSONIA, CONN., May 37.—It has been a principle in law, in this State at least, that fruit dropping from a tree over the division line on the premises adjoining the owner of the tree belonged to the man on whose land the fruit fell. A novel suit is about to be brought by a Derby man against his neighbor, involving this principle, though in this case it is not for fruit, but worms. The worms have finished their feeding, and are dropping from the trees in countiess numbers. The plaintiff has complained to his neighbor, and asked him to cut down the tree, which is now worthless as a fruit-bearer.

bearer.

The defendant refuses to do it. He says that if the worms had been apples, his neighbor would have made no complaint, for when the tree was a good bearer he used to pick up every apple that fell on his side of the line. The case is to be heard before a local justice next week, and whoever wins the other will carry the case to the Supreme Court.

A CHARGE OF PERJURY

THE LATEST ON WHICH A WARRANT FOR BARDSLEY IS OUT.

vestigating Committee—The City's Big Sinking Fund Found Intact—Oellers Is Elected City Treasurer Once More.

PHILADELPHIA, May 27.—Another warrant has been issued for the arrest of City Treasurer John Bardsley. The warrant was sworn out by Detective Bornside, of the District Attorney's office, and charges Bardsley with having committed perjury, in swearing before the investigating committee that he had never received any consideration from the banks for the deposit of public money, when in fact he received 2 per

ation from the banks for the deposit of public money, when in fact he received 2 per cent on deposits of city funds and 4 per cent on deposits of city funds and 4 per cent on deposits of city funds and 4 per cent on deposits of State funds.

One of the papers this morning printed a rumor to the effect that Bardsley had hypothecated a large part of the securities in the sinking fund of the city. To day the commission of expert accountants were put to work examining the sinking fund accounts. At 11 o'clock to night they had finished their labors and the sinking fund commissioners issued a statement stating that the \$23,00,000 of securities and \$800,000 uninvested cash in the sinking fund were intact.

Ity Councils met in joint sessions to day selected Richard G. Oellers City Treaston of Councils to fill the vacuation of John Bards.

So the same man who was elected to the county Councils which en point sessions of Councils which en point sessions of Councils which en proved for Dellers Stouncils will meet again to me proved for Dellers Stouncils which en proved for Dellers Stouncils

bers participe.

Ochers, Councils which etc.

Ochers, Councils will meet again to me.

I morning and approve Mr. Ochers' sureness, and it is the intention to have him take possession of the office at once.

Every one is now looking for some move on the part of the State administration to keep Ochers out until the courts can decide whether the right to appoint rests on the Governor or in City Councils.

Another phase of Bardsley's Third street operations, which was not disclosed yesterday, developed to day. He brought Glendenning & Co. a number of stocks which were not purchased for him by them. The evidence on this point is conclusive, and the deduction is, of course, that Bardsley was engaged in transactions with other stock brokerage firms, and that some of these were probably speculative. The name of another brokerage firm, which does an extensive business with small speculators, was mentioned to day. It was said that Bardsley was a frequent visitor at the firm alluded to, and that he kept a speculative account with it. It is probable that the Investigating Committee of Councils will summon the members to appear before it, in order that the extent of Bardsley's speculations with it may be laid bare.

GOING AFTER THE SEALERS. enue Cutters Rush and Bear Or dered to the Bering Sea. Washington, May 27.—Orders were sent by telegraph to-day to the Commanders of the revenue cutters, Rush, at San Francisco, and

revenue cutters, Rush, at San Francisco, and Bear, at Seattle, Wash, to proceed on their annual cruise to Bering Sea. The Rush will take along with it Major W. H. Williams, special agent in charge of the Seal Island; J. Stanley Brown, special Treasury agent, who will complete the work begun by Prof. Elliott; Milton Barnes, of Ohio, who will be in charge of the Island of St. George, and S. R. Nettleton, another special agent, and his wife, who will teach school, on the Island of St. Paul. It is expected that it will take the wife, who will teach school on the Island of St. Paul. It is expected that it will take the Rush about 12 days to get to the Scal Islands. Although official information can't be obtained, it is quite certain that the instructions to the commander of the revenue cutter with respect to poachers are substantially the same as those issued last year. The Corwin, however, will not sail for some days, and in the meantline the Government will consider the advisability of giving her special instructions, modifying those under which the Rush and Bear sail. The instructions of the two last named vessels, being the same as those of last year, are not to seize poaching vessels unless found illicitly sealing within the marine league, but to warn them off. The general subject as to whether or not there is to be a closed season has not, it is said, yet been settled.

WISE GIVES IT UP.

The Strike Not Declared Off, but He Advises the Men to Go to Work. (SPECIAL TELEGRAM TO THE DISPATCH.) Scottdale, May 27.—Master Workman Wise aid to-day: "We are conquered, but not subdued. Our organization has not yet declared the strike off. The same genuine mion spirit is manifesting itself among the miners, and the order will soon be as mighty

go to work." The charges of the sorehead element that Wise sold out is considered ridiculous, though there is an element in the region that claims the strike should have been declared off when the leaders knew they were whipped.

The rush of men for work at the various plants continues, but in most instances the applicants are turned away, being given to understand that their services are not wanted. This means that the black list has gone through the regions, and a man refused at one works is certain to be refused at another. As a result they are either preparat one works is certain to be refused at another. As a result they are either prepar-ing to leave the district for another field or are drifting aimlessly about, and more homes have been broken up by the strikes that has just closed than by all the strikes that have preceded it. Reports are coming in hourly of the hopeless destitution of hundreds of families.

VICTIMIZED BY A GIRL. 13-Year-Old Lass Passes a Check, Forged

by Herself, on a Butcher. (SPECIAL TELEGRAM TO THE DISPATCH.) New York, May 27 .- Mary Andrews, a pretty, brown-eyed maid of 13, was before Justice Walsh in Brooklyn to-day, accused of passing a worthless check for \$7.50 on Mr. Schildwatcher, a butcher. She induced the butcher to cash the check by representing that her employer, Mrs. Jacobson, a dressmaker, had sent her to get change. The check was returned to him from the bank as worthless. Acting Detective Parrett knew worthless. Acting Detective Parrett knew nothing about the forgery when he arrested Mary. She was locked up because she had been stealing from her employer. When Mary was asked about the check episode, she confessed that she was the forger.

"I saw Mrs. Jackson writing out some of these papers before she wentaway," said the child, who did not seem to be particularly worried over her arrest. "I tried to imitate her signature, and when I found I could do it well enough I got hold of the checkbook and wrote out the check for \$7 30. Then I got the butcher to give me the money for it." The Justice did not send her to jail, but handed her over to the Society for the Prevention of Cruelty to Children.

FOREIGN LACE WORKERS.

A Nice Little Point That May Be Settl Through a Strike at Scranton. ISPECIAL TRLEGRAM TO THE DISPATCH.

Lace Curtain Manufacturing Company de-cided to erect a factory in this city it was found that it would be necessary to import from England about 60 skilled workmen. from England about 60 skilled workmen.

The question at once arose whether this could be done under existing laws. An inquiry was at once sent the Treasury Department at Washington. To day was received that the laws do not prevent employes from engaging under contract, or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon a new industry not at present established in the United States in or upon a new industry not at present established in the United States provided that skilled labor for that purpose cannot be otherwise obtained. The lace men say they cannot get the men needed in America, and will engage them at once.

THREE

The Governor's Authority to Appoint Judges Seriously Questioned.

THEY MAY ALL BEREVOKED

An Opinion of Judge Agnew Thought

to Be Against the Appointees.

SUPREME COURT MAY TAKE A HAND

Mr. Pattison's Right to Name a President Judge Platly Denied.

SERIOUS LEGAL TROUBLE EXPECTED

The Supreme Court may be called on sooner or later to decide whether the Governor has the constitutional right or not to appoint three new judges for Allegheny County. J. C. Shoemaker, who was deputy attorney General under Pattison during his prior term, first raised the point, and it was the chief topic of conversation among law-gers yesterday afternoon. Mr. Shoemaker presented his side of the case so skillfully presented his side of the case so skillfully that he produced a doubt in the minds of many attorneys. He said he had no desire to worry the Governor or the newly appointed judges, but it might avoid compileations in the future to settle the question early. The new judges will hold the Criminal Court in June, at which Fitzsimmons, that and with the murder of Gilkinson, will charged with the murder of Gilkinson, will be tried, and he thought Thomas M. Marshall would be astute enough to put in a plea against the jurisdiction of the court, if an adverse decision were rendered. Mr. Shoemaker was loth to discuss the subject, but finally explained on what he based his.

Judge Agnew Questions the Move. Ex-Chief Justice Agnew was seen last evening at his home in Beaver, but he declined to express an opinion without know-ing all the facts bearing both sides. He adsitted there was considerable room for oubt and it was a debatable question. He added that he would consider a lawyer remiss in his duty, who, in defending life, did not test the legality of the court if he

was not sure about it. In 1878 Lackswafins county was carved out of Luzerne, and a new judicial district was created. Governor Hartranft appointed a Mr. Bentley judge, and in the test case, argued before the Supreme Court, Judge Agnew, then Chief Justice, decided againss Judge Bentley, remarking that his commis-sion was not worth the paper it was written on. The attorneys for the Lackawanna bar claimed "the Governor simply filled a va-cancy created by the act of Assembly. This act is to create new counties, and in their creation a new judicial district springs up,

as provided by the Constitution."

Judge Agnew, interrupting the attorney, said:

"The Constitution did not require that upon the creation of the offices that there should be an immediate right to appoint."

In his decision against Judge Bentley he further stated:

"Having no power to appoint, the commission to Judge Bentley was waste paper and void. He is not even a de facto judge, there being no office to be filled, no commission to Judge Bentley was waste paper.

gheny county appointments a new court only was established. The cases are not iden-tical, but Mr. Shoemaker thinks the reason-ing which knocked out Judge Bentley could

be applied to Governor Pattison's ap-pointees. He was anxious to know what Judge Agnew thought about it. Depends on a Vacancy The Judge said last evening: "The question the Judge said hast evening: "The question turns on whether there is a vacancy under the Constitution by the creation of a new court in Allegheny county, and this is the point made by Mr. Shoemaker. I do not remember much about the Lackawanna case, but if I recollect rightly there was some provision in the act of Assembly which did not require the new court to be organized immediately. I suppose, in the present case, the Governor reasoned and was advised that the act for Allegheny county was immediate in its operation, and therefore there were three vacancies to fill. I am not prepared to say whether my reasoning against Judge Bentley will apply in this case. Judges are human, and are as liable to err as any-body else. I never give much for a street opinion, and I can't say whether or no there is any similarity between the two cases. I can see where there is room for argument on both sides, but what the Supreme Court would think about it is more than I can tell. We are too apt to jump at conclusions, and I always aims at the truth. Judge Story used to say that he never hesitated about expressing an opinion when the common law was involved, but he wanted to post himself when a statute was introduced." arns on whether there is a vacancy under

Powers of the Governor Defined. The appointment of the new judges, Mr. Shoemaker says, is a constitutional question that has never been decided. The Constitution gives the Governor the right to "fill a vacancy in a judicial office, or in any other elective office which he is or may be authorized to fill." In 1858, in the Commonwealth versus Maxwell, the Supreme Court decided that "where a vacancy occurs within three months of a general election the Governor can only appoint until the first Monday of January next, but on the expiration of such commission the office may again be filled by appointment for the ensuing year."

Mr. Brightly, in his report of the above case, adds this statement in a foot note: "The Governor has no power to fill an original vacancy caused by the creation of a new judgeship; it must be filled by the people." vacancy in a judicial office, or in any other

people,"
This note has much weight with Mr. Shoe

People."

This note has much weight with Mr. Shoemaker, as he has a high opinion of the ability of Mr. Brightly, and he thinks he would not have made it unless the facts and decision in the case warranted it. The foot note was read to Judge Agnew yesterday, when he said that reporters were often mistaken, and during his experience on the bench he discovered instances where the reporters had misstated the cases. A note is not a decision of the Court, and must be taken with allowance.

In the Maxwell case referred to, Judge McCartney at Easten died July 15, 1886. Governor Pollock appointed H. D. Maxwell Judge to succeed him. On October It, not three months after, the election was held, and Mr. Findley was elected by the people. Governor Pollock ignored him, and commissioned Maxwell December 1 for another year. J. M. Porter, an able lawyer, and one of the founders of Lafayette College, in arguing the case against Maxwell made these points: The People Are Paramount.

"It is to be observed that the Governor's power must be derived from the Constitution only. He can derive no power to appoint from the act of Assembly. If the act gives him a power to appoint where the constituhim a power to appoint where the constitu-tion does not, such authority is void, and the commission under it is void. The act of Assembly can't create a vacancy in provid-ing for filling a vacancy."

The court decided in favor of Maxwell on the ground that three months between the appointment and election had not clapsed. Chief Justice Lewis and Justice Black dis-sented, so jealous were they, says Mr. Shoe-maker, of the elective franchise of the peo-ple. Back of it all, he added, is the Consti-tution guarding the right to vote against the appointive power of the contents.