

OFFICIALS COME HIGH,

But the Court Decides That the County Must Pay the Price.

CONTROLLER GRIER'S POSITION.

He Refuses the Increased Salary and Will Take an Appeal.

LOOSE LEGISLATION IS RESPONSIBLE

Until the new Allegheny county salary act, passed at the last session of the Legislature, goes into effect, officials in the county will come high. This act will not be in force until after the expiration of the present term. Judge Stowe yesterday decided that the incumbents, by virtue of the increase of population, were entitled to the same pay as in Philadelphia. This decision will doubtless stand, though an appeal will be taken to the Supreme Court. The following shows the increase in the annual salary of each person affected:

Sheffler McHenry from \$6,000 to \$13,000; Treasurer Bell from \$5,000 to \$10,000; Recorder VonHorn from \$4,000 to \$9,000; County Commissioners from \$3,500 to \$7,000; Clerk of Courts McGinnis from \$4,000 to \$8,000; Register Conner from \$3,500 to \$7,000.

Controller Grier refused to take the salary to which he is entitled under the decision—viz., \$8,000 per annum—and demanded payment under the former rate, \$4,000 per annum. He also announced that he would take an appeal from the decision before the highest tribunal in the State.

Loose Legislation Responsible. "Of course there will be a wave of popular indignation," said a prominent attorney, "but it should be directed at the proper place. The court has merely enforced the law, and there are few persons who would not have done exactly as the county officials did. The entire trouble is due to the loose work of the State Legislature. It is this kind of statesmanship which must be corrected."

The following is the text of Judge Stowe's opinion: The statement filed in the case alleges that John A. Bell, the plaintiff, was duly elected Treasurer of the county on November 4, 1930, and was duly qualified and commissioned and entered upon the discharge of his duties in January, 1931, and has since acted as such officer and performed the duties of his office upon him as such. That by the eleven-day decision of the Supreme Court, the salary of the plaintiff was increased from \$4,000 to \$8,000 per annum.

A Review of the Salary Act. The court then enters into an exhaustive review of the salary acts of 1876, 1870, 1881, and the supplemental of 1883. The act, the court says, of March 1876, entitled "An act to carry into effect section 5 of article 4 of the Constitution," declares in section 12, viz:

"In all counties or cities co-extensive with the counties containing over 200 inhabitants the annual salaries of county officers shall be as follows: Treasurer, \$10,000; Recorder, \$8,000; County Commissioners, \$7,000; Clerk of Courts, \$6,000; Register, \$5,000; Assessor, \$4,000; Coroner, \$3,000; Prothonotary, \$2,000; Sheriff, \$1,500; Constable, \$1,000; Justice of the Peace, \$500; Notary Public, \$250; and the salaries of the officers of the courts shall be as follows: District Attorney, \$10,000; District Judge, \$15,000; County Judge, \$10,000; Recorder, \$8,000; Clerk of Courts, \$6,000; Register, \$5,000; Assessor, \$4,000; Coroner, \$3,000; Prothonotary, \$2,000; Sheriff, \$1,500; Constable, \$1,000; Justice of the Peace, \$500; Notary Public, \$250."

The act of 1883, which amended the act of 1876 so that it shall read as follows: "In all counties or cities co-extensive with the counties containing over 200 inhabitants the annual salaries of county officers shall be as follows: Treasurer, \$10,000; Recorder, \$8,000; County Commissioners, \$7,000; Clerk of Courts, \$6,000; Register, \$5,000; Assessor, \$4,000; Coroner, \$3,000; Prothonotary, \$2,000; Sheriff, \$1,500; Constable, \$1,000; Justice of the Peace, \$500; Notary Public, \$250."

The question now before the court is whether the act of 1883 is unconstitutional. The answer is that it is not. The act of 1883 is a valid exercise of the power of the Legislature to fix the salaries of county officers. The act of 1883 is not unconstitutional because it does not violate any provision of the Constitution. The act of 1883 is a valid exercise of the power of the Legislature to fix the salaries of county officers.

Only the Proper Population Required. The act is general in its terms. It is designed to apply to counties containing the requisite population, and also to those which might hereafter acquire it. Whenever an effort is made to apply this act to any particular county, the fact to be ascertained is whether the county contains sufficient population at the time the officer entered upon the duties of his office. Whatever the population may have been previously, or what it may hereafter become, does not control the case.

The Supreme Court has also held that for the purpose of classification of counties under the salary act the United States census is the sole test of population. Notwithstanding the argument presented by the plaintiff, the court is of the opinion that the several statutes involved which cast a doubt upon the constitutionality of the act of 1883, as amended, are inoperative. The facts as presented by the pleadings, show that the plaintiff has clearly within its provisions, and what ever its own individual opinion may be as to the propriety of the legislation allowing such salaries to be fixed by the Legislature, the performance of the duties devolving upon the several officers of the county, and the plaintiff duty to enforce the law as it finds it.

If the Legislature in the exercise of its constitutional powers sees fit to make a salary which the public may consider unduly large or out of all reasonableness, it is the duty and responsibility of the Legislature to remedy. Any attempt on the part of the court to thwart the plain purpose of a valid act of assembly would be only a violation of their judicial duties, and an unconstitutional act of usurpation properly punishable by impeachment. As then, it is the opinion of the court that the act of Assembly of March 21, 1883, as amended by the act of 1883, is constitutional, and therefore that act directs that the county pay the salary of the plaintiff for the act, to wit, \$8,000 per annum, payable quarterly, it is the duty of the court to enter judgment for the amount claimed by the plaintiff for the payment of three quarters' salary due for in this act, to wit, \$6,000, and it is now ordered that judgment be entered in his favor against the county of Allegheny for \$7,000 with costs.

Carnegie Boosts Homestead Music. On Mr. Carnegie's recent visit to Homestead, he was accompanied at his hotel by the K. G. E. Band, of that place. He was so much pleased with the good music it produced that he offered \$500 in prizes of three, to the line brass bands of Homestead, the best to get \$250, the second \$150 and the third \$100 prizes. The contest will be held New Year's night at the Opera House.

Onyx and Marble Clocks. Onyx candelabra and bronzes of every description reduced 25 per cent during special watch and diamond sale at Kingsbacher Bros., 516 Wood street.

Stylish Suitings. For a good fitting dress suit or overcoat go to Pitcairn, 434 Wood street.

Diamond Neck Chains. And diamond bracelets at half their regular price at Kingsbacher Bros., special diamond sale, 516 Wood street.

PLANS FOR THE BIG BAND.

The Effort to Form an Organization Truly Representative of Pittsburgh's Musical Talent—The Part Taken by the Exposition Society—Cost of the Scheme.

ENDING OF A ROMANCE.

By Happy Marriage to a Prosperous Pittsburg Merchant.

LOVE, ELOPEMENT AND DIVORCE.

With the Scenes in France, Philadelphia and This City.

A CRUEL HUSBAND BECOMES INSANE.

The last act of a French romance in real life, as exciting as a novel, has been played in Pittsburgh.

The heroine, married in America to escape the wrath of her relatives, kicked out of her home by a drunken husband, left a fortune by an aunt, has now had her first marriage tie legally severed and without thought of her first unhappy wedded experience has married another—Pittsburg man; and while the fates are smiling kindly on her happy home and fortune, the man whom she first loved enough to elope with, has been driven insane by drink and the misfortune of losing his fortune, and is now an inmate of the Norristown asylum. His name is Pierre Pitou. The story of his life has been told and retold in Dr. Nardyz's, the Italian physician in Pittsburgh, who now for the first time makes it known to the world. In 1885, Pitou, a reckless son of a Paris merchant, met the girl who afterward married, at a small town in interior France named Le Cole d'Ar. The girl's last name was Pellissier. She was 19 years old, the daughter of a wealthy French farmer, whose pride was as great as that of a royal family. The young French maiden was as romantic as the village in which she lived and as beautiful as the foreigner's ideal girl of the country. Pitou, whose life was all his own, stayed at Le Cole d'Ar's nearly all the time after he met her, but on account of the girl's father having seen him drunk at one time, he was denied admission to the house. Their meetings were none the less frequent on account of that, however, and from the fact that they were classed as that of a royal family. The young French maiden was as romantic as the village in which she lived and as beautiful as the foreigner's ideal girl of the country. Pitou, whose life was all his own, stayed at Le Cole d'Ar's nearly all the time after he met her, but on account of the girl's father having seen him drunk at one time, he was denied admission to the house. Their meetings were none the less frequent on account of that, however, and from the fact that they were classed as that of a royal family.

THE COST OF THE PLAN.

To organize and equip such a band will cost, it is estimated by Messrs. Guenther and Rubie, \$5,000, and toward this the musicians themselves are ready to subscribe \$2,000, leaving \$3,000 to be raised from other sources. The Exposition Society is preparing the band for the season of next fall, and from the pay of the musicians for that engagement the \$2,000 will be deducted. The additional sum of \$3,000 will be required to purchase instruments, etc., and this it is hoped music-lovers in this city will readily contribute when they realize what aid to the cause of music the establishment of such a band will do. The band will be permanent organization ready to take part in all the large musical events of the year, and it is proposed that all members be elected to the National League of Musicians, in order that the band may be able to play anywhere and in conjunction with any other musical bodies. In this way the difference between rival unions, which have disrupted musical circles here so often, it is hoped may be avoided.

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As to the Exposition Society's share in the enterprise, Manager Johnston said yesterday: "The directors of the Exposition are desirous of employing local musicians to furnish the music for the season, and the scheme to form a band, partly for this purpose, has their entire approval. The Exposition will give such a band a profitable and long engagement, and will enable it to win a wide reputation at the start. The aid of the public to the extent of \$3,000 in all that is needed, and should think that the success of the enterprise is assured."

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GOOD JUDGMENT OR LUCK.

John McKeown Struck It Rich in His First Washington Venture.

COLORED ATTORNEYS.

Two Admitted Yesterday to Practice in Common Pleas No. 1.

FIRST IN ALLEGHENY COUNTY.

How the Color Line Was Drawn After a Bitter Fight in 1867.

NO OBJECTION WAS RAISED THIS TIME.

The first colored attorneys in Allegheny county were admitted to the bar yesterday. Their names are W. M. Randolph and J. Wilfred Holmes. Ex-Judge Fetterman recommended their admission, and there was not a dissenting voice. They are both bright young men of good education and thorough law training. Holmes was admitted six months ago, but failed through a lack of knowledge of Pennsylvania law. He is not yet 30. His home is in Baltimore, Maryland, where he is a member of the court corresponding to the Supreme Court in this State. When he failed at the last examination, he did not become discouraged, but pluckily started over to hard work. His law library is complete, and he has been reading almost every member of the bar, and on account of his color as well as his diligence is in a fair way to get a good practice.

MUST PAY IN GOLD.

A New Stipulation in Mortgage Forced by Fear of Free Silver.

Attorney John D. Watson said yesterday: "I discussed a day or two ago the agitation of the free silver question is beginning to bear fruit in limitations of monetary contracts in this State. A mortgage which I have just negotiated for some clients of mine contains the stipulation that it shall be paid in gold. The mortgage was for the sum of \$20,000, and the lenders of the money are the National Bank of Pittsburgh, who are now for the first time making it known to the world. In 1885, Pitou, a reckless son of a Paris merchant, met the girl who afterward married, at a small town in interior France named Le Cole d'Ar. The girl's last name was Pellissier. She was 19 years old, the daughter of a wealthy French farmer, whose pride was as great as that of a royal family. The young French maiden was as romantic as the village in which she lived and as beautiful as the foreigner's ideal girl of the country. Pitou, whose life was all his own, stayed at Le Cole d'Ar's nearly all the time after he met her, but on account of the girl's father having seen him drunk at one time, he was denied admission to the house. Their meetings were none the less frequent on account of that, however, and from the fact that they were classed as that of a royal family. The young French maiden was as romantic as the village in which she lived and as beautiful as the foreigner's ideal girl of the country. Pitou, whose life was all his own, stayed at Le Cole d'Ar's nearly all the time after he met her, but on account of the girl's father having seen him drunk at one time, he was denied admission to the house. Their meetings were none the less frequent on account of that, however, and from the fact that they were classed as that of a royal family.

JUMPED FROM A SECOND STORY WINDOW.

A confidence man, named Durion, jumped from a second-story window in Burdett's hotel, Federal street and River avenue, yesterday morning. He had been trying to work a game on Mrs. Wells, of Callery Junction, to whom he had represented himself as an oil operator. Both she and the proprietor dropped to bed. He was seen to get into a liquor house with a fair income, but despised by him because it was poor. Their rooms were on the second floor of a house on "Fifth" street between Ninth and Tenth. Until this time Dr. Nardyz had not known them. He was living in Philadelphia then, and one cold night in the winter of 1887, while he was in the city, he saw a young woman lying unconscious at the foot of a stairway. He saw at once that she had been roughly handled and had her removed to a room in the hotel. He saw her again, and he did not know where she had been taken she asked Dr. Nardyz to help her keep out of the way of Pitou and get a place for her to work. She did not say where she was, but he learned of her relatives know of her existence. The woman was weak at the time and Dr. Nardyz agreed to do as she asked, intending, however, to send word to her relatives.

GET INTO THE WRONG HOTEL.

A Western man registered at the Moon-gahela House yesterday. About noon he was passing the Central Hotel and wandered in there for his dinner. He didn't notice any difference in the two houses until after he had eaten. When Expert Biggar asked for them yesterday he was refused. The reason given is that they want to consult their attorney, Colonel Stone. Secretary Graham went to Washington to see Jim Thompson last night, and nothing can be done until he returns.

WORKING ON THE CLINTON COAL ROAD.

The little road from Clinton to Shouse-ton, on the Lake Erie, will soon be finished. The owners have already spent \$150,000 in carrying out a plan to carry the road from Clinton to Shouse-ton in the neighborhood of Clinton.

Have you heard that Thompson's New York Grocery has moved to their spacious new building at 315 Market street? It has been pronounced by all to be the handsomest store in Pittsburgh. Read the inducements offered for this week: Choice roasts, 10c per lb.; London layer raisins, clusters, 20-lb boxes, only; Loose muscatels, 20-lb boxes, 1 25; 16 lb English currants, 1 00; 1 lb Lemon citron, 25; 1 lb lemon peel, 12; 12 cans standard tomatoes (5-lb cans), 1 00; 10 cans table peaches (3-lb cans), 1 00; 6 cans white cherries (3-lb cans), 1 00; 7 cans Bartlett pears (3-lb cans), 1 00; 6 lb Malaga grapes, 1 00; 25 lb white sugar, 1 00; Sugar-cured hams, per lb., 9; Sugar-cured shoulders, per lb., 7; 16 lb pure extra No. 1 coffee, 1 00; 12 lb French cream mixed, 1 00; 8 lb hand-made chocolate drops, 1 00; Our 10-cent cigars, 50 in a box, 2 00; Our 5-cent cigars, 50 in a box, 1 00; Our special brand, La Odalisque, 50 in a box, 75; Our special brand, "Cherries," 50 in a box, 65; Don't forget the little ones. A large doll given away with every pound of pure baking powder, price 35c.

As an inducement for you to try our tea we will give you 5 pounds white sugar with every dollar's worth of 30c, 40c, 50c and 60c tea, or 1 pound of cut loaf sugar with every pound of tea. Good delivered free to all parts of both cities. To those living out of the city we will prepay freight on all orders of \$10 and upward in addition or landing within 100 miles of Pittsburgh. M. R. THOMPSON, 311 Market street, directly opposite Gusky's entrance. Store open every evening this week until 9 o'clock.

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