The Scranton Tribune

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SECOND-CLASS MAIL MATTER.

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SCRANTON, OCTOBER 10, 1895.

REPUBLICAN STATE TICKET,

For Judges of the Superior Court: CHARLES E. RICE, of Luzerne.
E. N. WILLARD, of Lackawanna.
HOWARD J. REEDER, of Northampton.
JAMES A. BEAVER. of Center.
JOHN J. WICKHAM, of BEAVER.
GEORGE B. ORLADY, of Huntingdon.

For State Trensurer: BENJAMIN J. HAYWOOD, of Mercer.

REPUBLICAN COUNTY TICKET. For Coroner

SAMUEL P. LONGSTREET, M. D. of Seranton For Surveyor.

EDMUND A. BARTL, of Scranton, Election day, Nov. 5.

What Scranton needs is a surface, not an elevated, car fender.

Vote Only for Six.

In another column on this page appears a timely communication from ex-Judge Alfred Hand concerning the contention which has been raised with reference to the constitutionality of the law creating the new Superior court, While Judge Hand does not seek to usurp the authority of the Supreme count, he plainly inclines to the belief that the law is valid as it stands; and that the overthrow of the clause limiting to six the number of judges of the Superior court belonging to the majority party would be a public misfortune inasmuch as it would open the way to a court composed wholly of members of a single political party-a species of altra partisanship manifestly inconsist-

ent with good government. But for the present emergency, the most important point in Judge Hand's letter is his explanation that the law must be considered valid exactly as it stands until the court of final resort shall have formally declared otherwise -a declaration which, if made at all, is not, in the judge's opinion, likely to be rendered hastily or without due consideration of the principles at issue. So far as the November election is concerned, it is highly improbable that any action by the Supreme court will be made public in time to invalidate the provision of the mooted act which declares that no elector shall vote for more than six candidates for judge of the Superior court. Hence any effort, in advance of such decision to cancel the law as it stands would clearly be untenable in principle as well as un-

safe from the standpoint of expediency. We repeat, all the more confidently in view of the eminent sanction thus afforded, that the only safe course for the individual voter to pursue in this matter is to obey the law in its plain restriction of the number of candidates to be voted for, and thus do away with any danger of having his ballot thrown out upon the ground of irregularity. This plan presents no difficulties. All the difficulties lie along the other suggested pathway.

Why should Republican Pennsylvania, which is really the hub in the union of the states, wish to remain in the back row at national nominating conventions? Why should it not at last muster up courage to stand up for its

National Financiering - A Contrast.

The Democrats cannot reasonably find fault with their Republican opponents when they draw a contrast between the last three years of Benjamin Harrison's Republican administration and the first three years of Grover Cleveland's Democratic administration. Comparison is legitimate in politics when facts and figures are fairly and honestly stated, and no honest man will state them otherwise. Here is contrast

During the last three years of Harrison's administration the public debt was reduced \$244,824,660, or at the average rate of a little more than \$81,000,000 a year. During the first three years of Cleveland's administration the national debt was increased \$106,467,390, or at the rate of \$35,455,796 a year. The astounding figures here presented cannot be disputed by the defenders of the Cleveland administration, for they are

a matter of record as well as of history. Contrast No. 2 .- During the last three years of the Harrison administration the aggregate surplus of revenues over expenditures was \$98,869,515, or at the rate of \$32,956,505 a year. During the first three years of Cleveland's administration the excess of expenditures over the receipts of the treasury was \$120,-150,000, or at the rate of \$40,500,000 a year. The facts and figures here presented are as irrefutable as are those with reference to debt decrease under Republican rule and debt increase un-

der Democratic administration. If there were no issues involving national policy to enter into the presidential campaign next year, the Republicans might be content to fight that battle and make their appeal to the American people on the sole basis of a help to Cuba are rapidly gliding by, yet contrast between the Harrison and

feel certain such appeal would not be made in vain. The facts cannot be too plainly stated nor too frequently repeated. The Republican party reduced the public debt; the Democratic party increased it. The Republican party showed a surplus every year it was in power; the Democratic party shows an enormous deficit for each year since the present administration came into

existence. There could be no greater contrast During the entire term of President peration and the people were happy and contented. During the three years of Cleveland's administration the counry has suffered from almost unpre-

edented depression, the industries have been languishing and the masses have been reduced to comparative poverty and many thousands to actual dis-

Few among the millions of intelligent people fail to see and understand the contrast between Republican and vote virtue five times out of six in the Democratic administration. Moreover the thinking portion of the American is only one instance of many. people know the cause for the change that came with Democratic rule. And what is more to the point, they understand the remedy. Democratic incompetency must give place to Republican wisdom and statesmanship; Democratic policy must be replaced with Republican policy. That is the remedy and it will be applied in the year of grace one thousand eight hundred and ninety-six.

Senator Quay's assertion that he doesn't want to be president is not meant as a hint that he will have no use for the next one.

Why Not?

After noting the remarkable length of the period during which the wealthy and influential state of Pennsylvania has made no serious effort to procure the nomination and election of one of her sons as president of the United States, the Philadelphia Times suggestively observes:

The present political conditions might be peculiarly favorable to the presentation of a Pennsylvania canditiate if the Republicans could be united, and there are rumors that the name of Governor Hastings may be proposed. His unprecedented majority of last year gave him peculiar prominence among the leading men of the nation, and if the factional differences now existing in the state could be reconciled, he would doubtless be quite acceptable to all the elements of the party. With Reed, McKinley, Harrison and Allison all contesting for the prize, and neither preferring any of the others as second choice, the nomination of a strong cendidate from Pennsylvania might be within the range of possibility. It could be done, however, only by harmonizing, and whether that is possible is an unselved problem.

The serious proposition of Governor

The serious proposition of Governor Hastings' name as Pennsylvania's candidate for the Republican presidential nomination ought not, in our judgment, to be regarded as an improbable possibility. It is true that the governor was recently the central figure in a factional struggle which ended with the nominal victory perching on the other banner: but it is not true that that defeat weakened his hold upon the respect and confidence of the citizens of Penn- say been other than manly, brave and dignified. Senator Quay is doubtless as for more than the law provides without the truth of these assertions, and to judges elected in the way the law prorecognize the importance of forestalling any possible future friction by the exercise of a policy of harmony and reconciliation. That he would gain by such a course is as certain as that the party at large would also gain, and with it, every cause for which that party stands.

Governor Hastings' nomination for the presidency is at all times to be borne in mind as one of the possibilities of the situation; and we might even say, with truthfulness, that it is not far outside the probabilities. He is preeminently a man for great emergencles; a man whose character and merits grow with acquaintance; a man absolutely honest and fearless. While he could, at his age, well wait for the future to introduce him in the arena of national politics, it is by no means improbable that the peculiar circumstances of the next few months will demand his early appearance among the active competitors for the presidential nomination. And should this occur, there will doubtless be extended to his candidacy the cordial and sincere support of every prominent Pennsylvania Republican, with Senator Quay at their head.

By a curious slip of the pen The Tribune yesterday spoke of Billy Craig when of course it referred to Billy Burke. The error was apparent. But come to think of it, we don't believe that Craig, either, is shedding many tears of sympathy for Collector Her-

With Reference to Cameron. At about this time of year the reader of Democratic newspapers in Pennsylvania may expect to encounter such paragraphs as this, which we take for purposes of filustration from the esteemed Philadelphia Record: "As usual, about this time, when no members of legislature are to be elected, the public car is assailed by a violent anti-Cameron clamor. As usual, next year, when Republican candidates for the legislature are to be nominated and ejected, the clamor w'll subside. The people of Pennsylvania have become quite familiar with the regular recurrence of

these political phenomena." It is unfortunate that the inclination to hurl back these gibes in the faces of the mockers who obtrude them is negatived by the recollection that, after all, the gibes are founded on fact. The Republican party in this state once swallowed Cameron with scarcely a grimace, after vowing in the name of all the gods that it would never stomach him again; and it is a truism of force in the courts that what happens once may happen again.

If the Republicans of Pennsylvania, while convinced that they don't want Cameron as senator, nevertheless calmly permit his re-election, we shall not try very hard to make faces back at the Democratic brethren who make faces

The days of opportunity to be of real the Washington administration sedu-Cleveland administrations in the mat- lously does nothing. If Mr. Cleveland

ter of the national finances, and we had been king of France during the American revolution, it is a safe guess that he would have curled his nose in contempt at the Yankee colonies.

> The attempt to please everybody rarely succeeds. If the Gotham reformers want to retain popular confidence they will not defer too obsequiously to the whims of every Tom, Dick and Harry ward politician.

The tearful news is cabled beneath the briny Atlantic that Lord Sackvillethan is here shown, but this is not all. West (perhaps we should say Sir Lionel Sackville-West, K. C. M. G.) does not Harrison's administration the country like America, and thinks her presidents enjoyed unparalleled prosperity, the are boors. It will be remembered that industries of the nation were in full Lord Lionel Etc. was once diplomatically kicked out of these United States.

The highest court in New York state has, upon final appeal, decided that "Bat" Shea, the Troy election-day rioter and murderer, must die. In the meantime, Shea's moral accomplice, the Trojan brewer, retains his seat in the United States senate.

It may not be optimistic but it appears to be the fact that vice can outlarge cities. The result in Indianapolis

It would be a mistake if John Dalzell were not made chairman of the next ways and means committee, and we don't expect Speaker Reed to head his committee list with a mistake.

THAT SUPERIOR COURT ACT.

Ex-Judge Hand Presents Reasons Why He Believes the Law to Be Valid as It Stands.

Editor of The Tribune.

Sir: There appears to be on the part of some of our politicians and some lawyers considerable excitement in regard to the constitutionality of the clause in the act of the legislature which provides that electors shall vote for only six out of the seven candidates for seats on the Superior bench. In their desire to air their views they are their desire to air their views they are disposed to disregard the law and vote for seven instead of six. They ask the judge and inspectors of election to sit in judgment on the constitutionality of the law, and usurp the functions of the Supreme bench. I do not understand that the distinguished lawyer whose partially published opinion has been cited in the newspapers has advised any person to take this course, but has merely expressed a private opinion that there was a possibility or probability there was a possibility or probability that the law in this regard may be de-clared unconstitutional. The basis of this opinion is not an express mandate of the constitution, but an inference of his own. The public press, which by reason of its constant consideration of all questions and its practical view of things, is quite as apt to be in touch with the spirit and genius of our institutions as a technical lawyer however learned, so far as I have read it, has intuitively and wisely expressed its view that the safer and wiser course is to obey the law and vote for six. Allow me to say that whatever course may be taken or decision made prior to the election, the press has uttered not only the common sense view of the case but in all probability the law of the case. It is of no earthly account what any individual lawyer or layman, officer or judge may think of the act of assembly; the sole question will be, and cannot now be raised, what the judges of the Supreme court, either a majority or by a tie vote, may think. The law will stand as constitutional and to be obeyed, un-til, by more than a tle vote, those judges and confidence of the citizens of Pennsylvania, or that his attitude since has been other than manly, brave and disofficers to be voted for; he cannot vote quick as any public man to appreciate | nullifying his vote. Less than seven

were all voted for by ballots in which the electors voted for more than the law prescribed, they ought to be all thrown out. The reason for this will appear from the considerations herein-after stated. Valid Until Successfully Attacked. Any act passed by the legislature and signed by the governor becomes a valid law. It is constitutional until success-fully attacked and must be obeyed. Herein is a principle involved so great that if the law is disobeyed the Su-preme court may, and perhaps ought, in duty to set the disobedient act of the individual aside, whatever may be thought of the constitutionality of the law. It would be a monstrous doctrine that individuals may violate a law. (except one involving moral considerations and conscience, and even then they ought to submit gracefully to its penalty.) simply on their own view that it is unconstitutional. The great majority of our laws have never yet passed the scrutiny of the Supreme bench in this l, and even if they should and thought unconstitutional, they would often be sustained on the ground

It is singular that so partial a view should be taken of the act creating the Superior court. It would be a misfortune to the people if by any act or decision seven judges should be voted for. It is for this reason, I fear, that many are solicitous to vote for seven and are solicitous to vote for seven and thereby place on the bench, unless the people act unpartisanly in voting, seven men all of one political persuasion. It would be a calamity. If the 200,000 plurality vote of Pennsylvania should plurality vote of Pennsylvania should be held even up to the vote of a plurality of one it would certainly make all the judges Republican. If the Superior court should anticipate this question, which I have little expectation they will, it would not be impossible that a reaction might take place with the people which would make all the judges Democratic. Such things have taken place. Should such be the result the only consolation left the Republicans would be that we might profit at the next reaction.

profit at the next reaction. Unlikely to Be Overthrown. I have said that the statute is constitutional until successfully attacked. It is more than this. When attacked it is presumed to be constitutional all along the series of batt es which must culminate in the final consideration of the Supreme court. This presumption will remain in the heart of each individual judge until upon all the facts and all the laws of the case presented by the utmost skill of the advocates on both sides the judgment is forced after quiet and calm consideration from the court as a whole by a majority vote that the law must fall, This decision will come not on a single clause of the constitution, there are no strict constituhave said that the statute is conthe law must fall. This decision will come not on a single clause of the constitutionalists on the bench, they are all among the lawyers; it will come on the whole spirit and tenor of that instrument. This spirit and tenor will be evolved first from the facts: What was the object of the statute? What remedy was sought? What is the nature and class of the Superior court? Is any right of the citizen injured? Is it a higher right to force upon such a court a partisan judiclary, on the plea of an electoral right, than to provide for the imposibility or improbability of such an event? etc., etc.

It is admitted by the distinguished counsel whose opinion has been quoted that minority representation is provided for the Supreme court. In this admission it may be urged he throws away his own case. The constitution provides for new courts and the change of courts except in case of the common pleas and orphan's court. There are two classes of courts, viz: those of appeal and final resort. The Supreme court? It is now, What is the Superior court? It is now,

also, a court of appeal and final resort. In other words it is put into the same class as the Supreme court in this re of what was before the Supreme court.
There is nothing in a name, there is everything in the thing itself. Suppose the legislature had designated the new

the legislature had designated the new court Supreme court and the higher court the court of appeals as in New York. The constitution does not bind the legislature to a name. The Supreme court today is not the same court it was. It has by the sovereign power of the state, for its own good and the good of the people, yielded a part of its jurisdiction to another Supreme court called the Superior court. called the Superior court. The Language of the Constitution.

Now what does the constitution say on this subject. It says, Article V, sec-tion 26.: "All laws relating to courts shall be general, and of uniform operation and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the pro-cess and judgments of such courts shall e uniform.

It will be impossible to state in a brief article intended for the public what parts of the constitution, what elements of judicial and wise construction should enter into the breasts of the judges and will enter if this question comes before them. The constitution is always called the people's instrument by our courts; it has been construed to meet this view so as to provide remedies for evils and never to fasten a worse evil upon them. As a citizen above all, as a lawyer and as a Republican whose party is more or less responsible for this wise statute, I trust and believe Alfred Hand. Scranton, Oct. 9.

COMMENT OF THE PRESS.

Clothing and Modesty.

Clothing and Modesty.

Cleveland World: "The philosopher at the recent meeting of the British Society for the Advancement of Science was not altogether wrong in saying that a great many people make modesty and morality a matter of clothes, whereas they are or may be independent of clothes. Human experience justifies this conclusion. It is proved by the behawor of people on occasions when their minds are otherwise occupied. At fires in the night, in ship-wrock, or during the excitement following a burglary, people in 'immodest' costumes and almost without any costuming whatever have met and acted and talked together without a thought of immodesty or immorality, and have been astonished afterward to think how almost perfect is rangers encountered each other, arrayed in simost a Garden of Eden fashion without a thought of its impropriety, unconscious even of their appearance. This shows that if the mind is not directed to the costume, it is of itself neither immodest nor immoral."

We Receive as Obstacle.

His Record on Obstacle. Pittsburg Commercial-Gazette: "Post-master General Wilson, who made a very complete success, with the aid of the president, of accomplishing nothing, when last a member of congress, wants to try it again. Mr. Wilson will find his record as

Sustained a Side Wipe. Washington Post: "Owing to the fall-ure of the Tammany engineers to obey or-ders Mr. D. B. Hill's train of presidential thoughts has sustained a most serious side wipe."

For Thomas Is Shrewd, He Is. Washington Post: "Whatever may be the result of that New York dicker, Mr. Platt will be sure to be located at the juley

But It Will Not Be Gratified.

Washington Post: "There is considerable anxiety to have the tail of the British lion decorated with the Olney twist."

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