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SCRANTON, PA., FRIDAY MORNING, OCTOBER 18, 1895.

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WHICH SIMPLY AMOUNT TO THIS. WE'VE GOT THE STYLES, AND WE'VE GOT THEM AT THE RIGHT PRICES.

The Shapes and Cuts of Our Capes

ARE IN TOUCH WITH FASHION'S LATEST DECREES, AND THE SKINS HAVE BEEN SELECTED WITH SUCH CARE, AND SO PERFECTLY MARKED THAT BETTERMENT IS IMPOSSIBLE.

To Make Our Fur Cape Opening

MORE INTERESTING, WE HAVE RESOLVED TO CUT THE PRICE ON THE FOLLOWING NUMBERS FOR A FEW DAYS ONLY.

Astrakhan Capes

choicest selected skins, in fashion's latest approved model, worth \$30.00. Special Price, \$24.90

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rich looking and matchless for service, worth \$25.00. Special Price, \$18.49

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a deservedly popular fur, owing to its many good qualities, worth \$30.00. Special Price, \$24.98

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the very finest selected skins, superbly made and trimmed, worth \$40.00. Special Price, \$32.48

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Two numbers, both equally good values. The expert alone will tell the difference.

No. 1 worth \$40. Special Price, \$32.75

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GLOBE WAREHOUSE.

JUDGE SIMONTON REVERSED

Supreme Court Decision in the Judicial Voting Muddle.

ONLY TWO DISSIDENTING VOICES

Chief Justice Sterrett and Associate Justice Williams Dissented--In His Opinion Justice Dean Decides That Six Names Only May Be Voted.

Pittsburg, Pa., Oct. 17.--The Supreme court of Pennsylvania sitting here today reversed the recent decision of Judge Simonton, of Dauphin county, and declared that in creating the superior court of the state to be constitutional. The opinion sustaining the new court act was handed down by Justice Dean.

In his opinion, Justice Dean, decided that but six of the candidates can be voted for in strict harmony with the constitution. He recited section 1, of article 5, of the constitution, which provides: "The judicial power of this commonwealth shall be vested in a supreme court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the general assembly may, from time to time, establish."

Under the authority of this last specification, "such other courts as the general assembly may, from time to time establish," the superior court was created. Nothing is said in the article as to how judges of such courts are to be elected. Section 15, of the same article, clearly applies to the election of district judges of the common pleas, for they are to be elected by the qualified electors of the respective districts over which they are to preside, while the jurisdiction of the superior court judges is limited by no district boundaries.

Names of Electing Judges. The manner of electing Supreme court judges is also prescribed in the constitution; but being silent in the judicial article as to the method of electing the members of the superior court, we turn to Section 1, Article XII, which declares:

"All officers whose selection is not provided for in this constitution shall be elected or appointed as may be directed by law." And so, in pursuance of the authority to create other courts, in Section 1, Article V, the court is established by the authority of Section 1, Article XII, the method of election is prescribed.

The case most relied upon by the appellate State agent, Constantine, of Ohio, 437, in which the court arrives at a conclusion different from ours, it is said: "The right of each elector to vote for a candidate for each office to be elected is excluded as the historical fact. In our state the right of the legislature to limit the vote to a less number than all the officers to be elected, has never been questioned as a historical interpretation has been wholly different. The conclusion must necessarily be at variance. Hays vs. Commonwealth, 22 Pennsylvania, 418, turned on another question than is raised here."

Whether by application of the cumulative voting plan a stockholder's election in a railroad corporation, started under act of 1883 could be controlled. This court held that even the constitution could not give the right under the charter to have one vote cast for each officer to be elected.

But it is argued from the provision of the constitution establishing limited liability as to certain offices the maxim "Expressio unius est exclusio alterius" must move the court to the construction contended for by appellee. The application of this maxim depends wholly on the context in which the expression of one thing often necessarily is, or tends to the exclusion of others not expressed, but the induction is not made in all cases, and if indiscriminately applied would frequently lead to most erroneous conclusions.

Established by Constitution. In the case before us the constitution establishes limited voting in the election of Supreme court judges, county commissioners, Philadelphia magistrates and inspectors of election, therefore it is argued the implication is that the election of the superior court judges by other officers. But the limited voting plan was recognized and adopted in the constitution because it was deemed wise that as to officers, non-partisan in character, or which at least should be, the minority party ought to have representation, and this could only be attained by limited voting. Does the expression of this thing necessarily exclude other things not expressed? As the same reasons for the plan exist as to like officers thereafter mentioned, it is not a word indicating that a plan like that expressed should be followed? Does not the whole spirit of the constitution plainly so imply that the election of a word indicating that such plan as to other or new courts is forbidden? In the cases specified the constitution is mandatory; it says the legislature in thus enumerating them, thou shalt prescribe the limited voting plan; in the cases not enumerated it is discretionary.

For the reason herein stated as well as for those asserted in the opinion of Judge McPherson, the decree of the court below is reversed and the position of the attorney general for a mandamus is dismissed at the cost of appellee.

The Dissenting Opinion. Briefly stated, the dissenting opinion of Justice Williams, which is concurred in by Chief Justice Sterrett, is that the legislature is powerless to deny any qualified voter the privilege of voting at all elections, for all elective officers, if said voter desires to exercise this power.

Referring to Justice Dean's claim that if the Dauphin county court's judgment were affirmed the jury commissioners act would fail, Justice Williams says no serious inconvenience would result. He adds: "It is better a thousand times better that this should happen than that the sacred right of suffrage so carefully entrenched by the people in their fundamental law should become the foot ball of party majorities, to be limited or restricted as the exigencies of political warfare might seem to require. I would affirm this judgment and uphold the constitutional declaration."

The court subject to the controversy was created by the last legislature. It is composed of seven judges, six Republicans and one Democrat, who were appointed by the governor to serve until their successors were elected at the general elections in November. Each party recently nominated six candidates for the new bench with a view of giving the minority party representation.

The arrangement of the ticket providing for the election of the judges, named after the passage of the act, by the governor, provoked the legal dispute.

REFORMED EPISCOPALIANS.

The Synodical Council at Philadelphia Adjourns.

Wilmington, Del., Oct. 17.--The synodical council of the New York and Philadelphia district of the Reformed Episcopal church, adjourned sine die today. It was decided to raise a fund of \$500 for the incidental expenses of the general secretary, including the furnishing of supplies for his pulpit during his absence.

Bishop Campbell, Dr. Huntington, Dr. Sabine and Dr. Savery were appointed a committee to have the affairs of the general secretary in charge. The report of the finance committee showed that the demands of various churches for financial assistance amounted to \$3,055. The sum available for the purpose is only \$238, leaving a deficiency of \$2,817. It was announced that the first church of New York would probably make good this amount. Revs. G. W. Huntington, W. D. Sabine, John Dennis and Messrs. G. C. Miller and W. W. Lathrop were appointed a committee on the affairs of the Basseger home for aged ministers, at Murray Hill, New York.

POPE LEO'S LATEST DECREE.

A Blow at the Policy of Cardinal Gibbons and Archbishop Ireland in Holding Religious Congresses.

Chicago, Oct. 17.--In accordance with instructions from Pope Leo, submitted through Monsignor Sattoli, a decree will shortly be issued by the archbishops of the country instructing the bishops that they are not to take part in religious congresses. The letter to the laity is couched in the most inoffensive terms, but the instructions to the bishops will direct the congregations, which will be more explicit.

The letter is looked upon by prominent Catholics as a direct blow at the policy of Cardinal Gibbons and Archbishop Ireland, who not only were most prominent in the congress of religion, but who openly urged the holding of such congresses. The document is written in Latin and addressed to Monsignor Sattoli. It reads as follows:

Venerable Brother, Health and Apostolic Benediction. We have learned in the United States of America, conventions are sometimes held, in which the people promiscuously, Catholics as well as those of other denominations, to treat upon religion as well as upon the secular and temporal, to recognize the desire for religious things by which this people is animated more zealously from day to day. These promiscuous conventions have into this day been tolerated with prudent silence. It would not be surprising if the Catholics should hold their conventions separately, and that the utility of the Catholic doctrine and the benefit which this people is animated more zealously from day to day. These promiscuous conventions have into this day been tolerated with prudent silence. It would not be surprising if the Catholics should hold their conventions separately, and that the utility of the Catholic doctrine and the benefit which this people is animated more zealously from day to day.

Given in Rome this 18th day of September, 1895. In the eighteenth year of our pontificate. (Signed) LEO XIII.

AN OLD WAR DEBT.

The State of New York Sues the United States.

Washington, Oct. 17.--Senator Hill was before the United States supreme court in behalf of the State of New York, in its controversy with the United States, over a claim growing out of the war of the rebellion. To equip the troops enlisted in the State of New York, April 23 and July 4, 1861, the state of New York borrowed about \$2,000,000. A claim for the full amount, with interest, was made by the State of New York, but the treasury officials declined to pay it on the ground that no interest of any kind could be allowed upon a demand for a loan made by statute and finally, in January, 1889, they sent the matter to the court of claims.

The tribunal decided that New York was entitled to receive the interest on the bonds, but not to the amount paid on the canal fund, from which part of the money was borrowed. From this judgment both sides appealed to the supreme court of the United States. Senator Hill did not conclude today. He will follow tomorrow by Assistant Attorney General Whitney for the government. Involved in the case is the question recently discussed by Comptroller Bowler in his opinion on the sugar bounty cases as to the power of the department to issue a declaration of claims such as this one, with the right of appeal to the supreme court of the United States from the judgment of the court of claims.

ON BUILDING LOANS.

An Opinion Is Given by Attorney General McCormick.

Harrisburg, Pa., Oct. 17.--In an opinion given to the banking commissioner today Attorney General McCormick decided that building and loan associations do not lose the benefit of the exemption from the payment of the stamp duty provided in the act of 1885, when members become non-resident shareholders.

He thinks the association cannot be held to be doing business outside the state, and therefore subject to the fees required by the act simply because several stockholders moved outside the state, and continued to pay their monthly dues or assigned their shares to non-residents. He instructs the banking commissioner, however, that when the association makes investments in real estate in other states it loses the exemption, and must pay the fees, which are to be based upon the amount of capital paid in.

Mr. Harrison Quarantined. Saratoga, N. Y., Oct. 17.--"Baby" McKee, the grandson of ex-President Harrison, who is suffering from a mild attack of scarlet fever, is reported to be somewhat improved tonight and no serious results are anticipated. Mr. Harrison still remains quarantined at the McKee house, but can leave at any time if necessary requires it.

Nuncios to Be Appointed.

London, Oct. 17.--A dispatch to the Central News from Rome says that the consistory will be held at the end of December when the following nuncios will be appointed: Mr. Rinaldi, at Brussels; Mr. Rinaldi, at Brussels; Mr. Lorenzelli, at Washington.

Loucks Had a Scheme.

Lancaster, Pa., Oct. 17.--J. F. Loucks, arrested at Bitterville, York county, last night, for using the mails for fraudulent purposes was giving a hearing before Commissioner Montgomery this afternoon and held in \$1,000 bail for trial in the United States district court.

MRS. WALLER'S NARRATIVE

She Gives Details of Her Husband's Arrest and Trial.

Without Counsel, Waller Is Tried by Court Martial on the Charge of Aiding the Hovas and Sentenced to Imprisonment for 20 Years.

New York, Oct. 18.--Mrs. Waller made a detailed statement to the reporters of the events leading to the arrest of her husband and of his trial and conviction. She said: "Mr. Waller was arrested at Tamatave, Madagascar, March 5 last by the French authorities on a charge of having conducted a clandestine correspondence with the enemy (the Hovas)."

It appears, according to Mrs. Waller's story, that on Sept. 5, while at the residence of her husband, Mr. Waller had promised to procure four or five revolvers for the son of his guest, who, as Mr. Waller was preparing to write to Mrs. Waller, she handed him to purchase the weapons for him. At the trial of Waller these revolvers played an unfortunate part for the defendant. They were produced as they were simply samples of an intended shipment of arms to the Hovas. After his arrest Mr. Waller was confined in a Chinaman's shop at Tamatave, and on March 10 he was tried by court martial. Captain Levi and six lieutenants composed the court. Waller had repeatedly asked for counsel, but he was refused. He was twenty-four hours before the trial, when L. J. Herlaud took his case, but as soon as he had read the letters Waller had written to Mrs. Waller, he threw up the case. The reason for this, Mrs. Waller says, was that in one of them Waller had written in condemnation of the Hovas, and that Captain Levi, her successor, in his detestation to his wife Waller had told of outrages and thefts committed by the French against the Hovas. Waller was condemned by the court martial to twenty-four hours before the trial, when L. J. Herlaud took his case, but as soon as he had read the letters Waller had written to Mrs. Waller, he threw up the case. The reason for this, Mrs. Waller says, was that in one of them Waller had written in condemnation of the Hovas, and that Captain Levi, her successor, in his detestation to his wife Waller had told of outrages and thefts committed by the French against the Hovas. Waller was condemned by the court martial to twenty-four hours before the trial, when L. J. Herlaud took his case, but as soon as he had read the letters Waller had written to Mrs. Waller, he threw up the case. 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