THE SCRANTON TRIBUNE-TUESDAY MORNING, MAY 11, 1897.

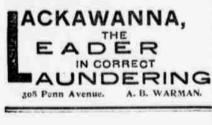
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PERSONAL.

UNION CABEL

Frank Coray, of Honesdale, spent yesterday in this city. L. M. Schroch returned yesterday from

a visit to New York. Actorney A. A. Vosburg is in Wilkes-Barre attending court today. Rev. Dr. C. M. Giffin and A. P. Bedford

were trout fishing on the Pocono yester-

Mr. and Mrs. Bernard Miller, of the South Side, leave tomorrow for a visit in the Fatherland.

Assistant District Attorney W. G.

IS INVALIDATED Judge Archbald Declares Against the Board of Revision and Appeals.

AN UNCONSTITUTIONAL CLAUSE

In the Suit of Joseph J. Jermyn Against the City Assessors and Others, It Is Decided That the Legislature Exceeded Its Powers Boards of Revision and Appeals Authority, Which the Constitution Invests in the Legislature Alone,

By the decision of Judge Archbald, the new city assessment made under the precept of the board of revision and appeals is null and void.

In a lengthy opinion handed down yesterday morning he declared as unonstitutional that portion of the act of 1895 empowering boards of revision and appeal to order a new assessment in years other than the triennial year, holding that the exercise of such a power is a legislative function, which an not under the constitution be dele-

rated. After reviewing the law of 1889 governing cities of the third class and its nodification the act of 1895, wherein they bear on the matter in hand, h goes on to point out the viciousness and unconstitutionality of leaving to the judgment of a quorum of a board of appeals in the several cities the question as to when the legislative function of fixing a time for an assessment shall be exercised. Then he says:

The only requirement is that the board of revision shall deem a re-assessment necessary. But upon what basis that necessity is to be considered to have arisee, or by what it is to be determined, is nowhere indicated; as to this the law is left at loose ends; it becomes such as a majority of the board—or even of a quorum-may make it, and may be anything or nothing, according to the construction which they put upon it. This is not law; it is a delegated substitute for it, such as is discussed and con-demned in O'Nell vs. Insurance Co., 105 Pu. 72. As is there said:

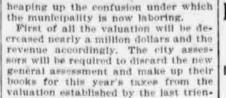
THE EFFECT OF IT.

"The effect of our case is to settle firmly the rule that the law must be mplete in all its terms and provisions when it leaves the legislative branch of the government, and that nothing must be submitted to the judgment of the electors or other appointce of the legislature except an option to become or not me subject to requirements and pen-

alties." . "The one thing lacking is the criterion by which the necessity for a new assessment is to be judged; this is vital and should appear by the law it-

The legislature does not say that under such and such circumstances, if the board of revision deem it necessary, a new as-sessment may be ordered, but that upon the mere say so of the board, without other let or hindrance, this may be done. * * * It is idle to say that the discre-tion of the board is a sufficient criterion; it is easy to show that it is not. One coard may consider it advisable to have a new assessment because the original does not yield all the taxes they think the city ought to have, an effective way of extending the tax limit. Another may be dissatisfied in whole or in part with the work of a former board, al-though its work is entitled to just as much credit as their own.

Still another may be moved by no better reason than to give themselves something to do, a motive not impossible to get into the minds of some. While the re-assessment of a special piece of



niel assessment The invalidated assessment was almost completed, the only thing remaining to be done being the deciding of appeals. From the data secured in this assessment the assessors will have a ready guide to the new improvements that they must take care of and it is

possible with a sufficient clerical force for them to get their books in shap When It Essayed to Delegate to within thirty days, or at least by July 1 City Clerk Lavelle says he can get the duplicates ready in twenty days This would give the city treasurer ten days to arrange preliminaries and by August 1 the city would be in shape to

begin the collection of taxes. The city has \$75,000 from liquor licenses on hand and about \$25,000 outstanding. This would keep the wheels of government moving until about the time the taxes should begin to come in and if there is no unlooked for hitch the city can escape the predicament of a totally depleted treasury.

WILL WEAR LEGGINGS.

Thirteenth Regiment Boys Do Not Like Them, but at the Command of Gen. Snowden Will Put Them On.

The line officers of the Thirteenth regiment met last evening in the arnory and received the following order from Colonel Coursen bearing upon the trip of the regiment to Philadelphia next Friday. The order reads: Headquarters Thirteenth Regiment In-

fantry, Third Brigade, National Guard of Pennsylvania. Scranton, May 10, 1897. Regimental order No. 14.

I. In accordance with general order No. 2, Headquarters division, National Guard of Pennsylvania, dated Philadelphia, May 4, 1897, this regiment will participate in the parade at Philadelphia on Saturday, the 15th Inst., in connection with the unveiling of the Washington monument at Fairmount park. II. The field and staff, non-commisdoned staff, drum corps and Companies A, B, C and D will assemble at the Scranton City Guards armory, Scranton, Friday, the 14th inst. at 2.4 p. m. Assembly will be sounded at 2.50 o. m.; adjutant's call at 3.10 p. m Officers personal baggage must be at the armory not later than 3.00 p. m. III. Companies E, F, G and H will report to Major George H. Whitney at

the Delaware and Hudson passenger depot, Scranton, at 3.30 p. m. IV. Company commanders will pay special attention to paragraph's 6, 9, 10 and 13 of general order No. 3 above re-

ferred to. Each officer and man will be allowed one dellar and a quarter for subsistence. V. Morning reports will be required on the train Friday afternoon, and in quarters at seven o'clock Saturday

morning. As soon as the train leaves Scranton, company commanders will have guards posted at each end of their respective cars and will issue no passes except to non-commissioned officers in the discharge of necessary By order of duties.

Colonel Henry A. Coursen. L. J. Mattes, Adjutant.

Colonel Coursen is in Philadelphia looking over the field of encampment. The Thirtcenth regiment with the

PROGRAMME OF THE EISTEDDFOD

Big Singing Festival Will Open Today at Frothingham.

COMPETITIONS AT EACH SESSION

Hon, John T. Williams Will Be President This Morning and Reese G. Brooks Conductor -- Rev. De Pugh Griffiths Will Preside in the Afternoon and James H. Torrey Will Be Conductor .- In the Evening Judge H. M. Edwards Will Be in Charge.

Following is the official programme of the eisteddfod of the Robert Morris lodge which will be held in the Frothingham today:

MORNING SESSION, 10 O'CLOCK. of committee, W. R. Lewis, esq. Address by conductor and introduction

of the president. Song by the audience, "The Star Span-gled Banner." ompetition, duet, tenor and contraito

"Harp of the Winds" (Franz Abt), do-nated by Frank H. Clemons; prize 38. Competition, recitation, "The Painter of Scylle" (Susan Wilson), donated by H. L. Taylor, esq.; prize \$5.

diudication on the duct, ompetition, baritone solo, "The Raft, Key E minor (Pinsuth), donated by Wade H. Finn; first prize \$6, second prize \$3. diudication on the recitation.

Adjudication on the baritone solo. Song by the Robert Morris Lodge quartette, selected, Warren, Bowen, Jones Slevens. Adjudication on the poem, "Gwilym Gwent," donated by the Scranton Truth; prize \$25, 'ompetition, children's choir, "As You Go," donated by Clarke Brothers; prize \$49.

Plano solo by Miss Anna Williams, se Adjudication on the children's choir.

AFTERNOON SESSION, 2.20 O'CLOCK. Conductor James H. Torrey, esq. Introduction of conductor by chairman

ong, "Hen Wlad fy Nhadau" (The Land of My Fathers), Professor J, Powell Jones. The audience will please join in

Love," (Amor) (Pinsuti), donated by Collins & Hackett; prize \$8. Adjudication on essay, "International Arbitration," donated by the Scranton Times; prize \$25.

ong by the Robert Morris Lodge quarselected, Warren, Bowen, Jones Stevens.

Adjudication on the duet. competition recitation, "Liberty and Union" (Webster), donated by James M. Powell; prize \$5. Competition, piano solo, "Pastoral No. 1" (Van Scarlotti), donated by Colonel

Ripile: first prize \$6, second prize \$3, dd/udication on recitation. competition, contraito solo, "The Incense

of the Morning" (Carter), donated by Boyle and Mucklow; first prize, \$6, second prize \$3. djudication on Englyn.

Adjudication on contraito solo. Competition, sight reading by male quar-tet, donated by John J. Davies; prizé

\$5. competition, impromptu speech in Eng-lish, donated by E. E. Robathan; prize

Adjudication on sight reading Adjudication on impromptu speech. Eighth regiment will be quartered in Competition, male chorus, "The Pil-the First regiment's armory, corner of grims' Chorus" (Parry); prize \$100.

vesterday morning for Harrisburg to attend the convention. Mrs. Sarah Greaves and Mrs. Arnold. of Dunmore, representing castles 80 and 81, of the Ladies' of the Golden Eagle, will also attend the convention,

DELEGATES SELECTED.

They Will Represent the Primitive Methodist State Conference at General Conference.

A good deal of important business was transacted by the Primitive Methodist State conference yesterday. Ministerial and city delegates to the general conference at Fall river, Mass., were chosen.

getting up excursions should have their Yesterday morning's session was of printing done at newspaper offices. And secret nature. The claim of Mrs. just as many why it should be done at Ball, of Olyphant, who lent money to THE TRIBUNE office-Our prices are a conference book concern, was satislow, our resources are unlimited, our factorily settled. The investigation of ingenuity is fertile. Our work is well ministerial character was also made done-and quickly too-And last but at this session. Letters of sympathy not least we will treat you courteously. were ordered sent to Rev. Charles Mc-Kechnies and Rev. B. Whildock, who are on the superanuated list.

In the afternoon the appropriation ommittee reported in reference to Youngstown, Ohio, Carnegie and Hometead, Pa. The Youngstown report was held over until the report of the stationing committee had been read. Carnegie and Homestead circuit was appropriated \$150, provided they erect a new church at North Homestead.

A society under the care of the con ference known as the Grand Roll of Honor, sent its report through its grand worthy captain. The report was

accepted and ordered spread upon the minutes. The following were nominated as representatives to the general conference: Rev. T. M. Bateman, Girardville; Rev. George Lees, Hazleton; Rev. R. W. Wilson, Nanticoke; Rev. E. J. Jeffries, Youngstown, O.; Rev. J. Bath, Plymouth: Rev. H. G. Russell, Wilkes Barre; Rev. W. F. Nicholls, Tamaqua Rev. J. Jones, Avoca; Rev. J. B. Tyler, Niles, O.; Rev. H. J. Buckingham New Castle; Rev. T. C. Bache, Nanti-

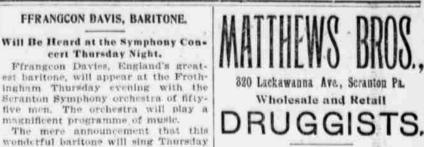
oke Rev. J. N. Reseigh and Rev. J. Walk er were appointed tellers and the balloting resulted as follows: Rev. T. M. Bateman, 35; Rev. George Lees, 31; Rov. R. W. Wilson, 22; Rev. E. J. Jeffries, 24; Rev. J. Bath, 31. They were declared elected, having received more than 22, the number necessary to a choice. After three more ballots the sixth man, Rev. H. G. Russell, was chosen.

Nominations were then in order for the lay delegates for the general conference. The following were named: Aaron Powell, Scranton, C. S. Snyder, Priceburg; Adam Clark, Avoca; W. J. Hooper, Plymouth; E. D. Williams, Nanticoke, and F. W. Blacker, St. Clair. They were unanimously chosen. The committee on revision of disci

pline submitted a report which was held over. Adjournment was taken, after which the conference went into secret session to entertain the report of the committee on complaints and

were favorably received.

Miss Carolyne V. Dorsey, teacher of



cert Thursday Night.

night should be enough to fill the

house. This will be the last of this

season's concerts by the Symphony or-

The diagram opens at 9 o'clock this

Summer Excursion Printing.

There are various reasons why people

Reduced Rates to Philadelphia,

ount unveiling of the Washington

nonument at Fairmount park. May 15

Tickets on sale at all Lehigh Valley

offices May 14 and 15, at rate of far

one way for the round trip. Tickets

good for return to and including

Twining, optician 125 Penn avenue, in

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Harris' drug store. Hours 9 a. m.,

Men's Black or Blue

Strictly All Wool Unfinished

morning at the Frothingham.

chestra.

May 17.

p. m.

PILLS.

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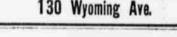
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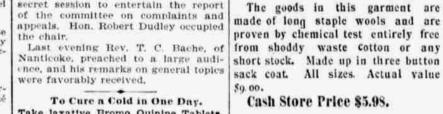


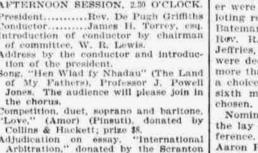


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Themas return d yesterday from a business telp to Ph Indelphin.

Wildam Meinzer and Miss Minule Hallmar, of this city, were a day by Alderman Wright. were married yester-

C. P. Henwood goes to Beaver Falls today to attend the annual meeting of the grand council of the Royal Arcanum. Foreman Alexander Aikmen, of the Dickson collicry, will sail Friday for Scotland, where he will make a six months'

Stephen A. Dayton, of Brooklyn, N. Y. and Miss Lillian Race, daughter of Rev. J. L. Race, of the Cedar Avenue Methodist Episcopal cource, will be united in marriage tomorrow evening.

Cards are out announcing the marriage of Peter Marker, jr., and Miss Minnie Miller, The coremony will be performed at the Miller home, 619 Cedar avenue, Tues-day evening, May 18, at 8 o'clock.

E. F. Blewitt and John Gaffney, of this city, and Miles McAndrew, of Archbald, went to New York city yesterday after-noon to attend the annual convention of the Ancient Order of Hibernians, Board of Erin.

Dr. W. A. Paino, representing Lackawanna council; E. P. Henwood, Scranton council, and F. J. Dickert, Electric Cuy council, leave today to attend the state convention of the Reyal Arcanum in Beaver Falls,

Rev. Dr. Joseph K. Dixon, of the Penn Avenue Baptist church, will address a meeting of the Reading Baptist association tonight in the First Baptist church at Reading, Pa. His topic, "The Church I Dream Of," will relate to young people's work

MARRIED MANY MONTHS AGO.

A. J. Winebrake and Miss Louise S Masters Were Wedded Quietly.

Announcement is now made of the marriage on September 14, 1896, of Miss Louise S. Masters, daughter of Mr. and Mrs. James O. Masters, of Dunmore, to A. J. Winebrake, of this city. The marriage was quietly arranged, young people going to Camden. N. J., without saying anything as to their intensions and were married by Rev. W. H. Burrill, of that city.

Mr. and Mrs. Winebrake did not apprise the latter's parents of the marriage until last December, Mr. Wine-brake is well known about the city, He was employed at one time as treasurer of the Academy of Music and is at present a student at the Jefferson Medical college. Philadelphia. Th college closed two weeks ago until fall and Mr. Winebrake is now in Dr. Longstreet's office in this city.

Notice.

We are still doing business at the same old stand where we have been for twenty-two years past and most respectfully solicit the patronage of the public as heretofore in awnings, tents, flags and all kinds of society goods and decorations.

S. J. Fuhrman & Bro. The United Brand Shirts ONDERFULLY White Percale, Madras and French Fiannel. 00000 **WATERS**, THE HATTER, Lackawanna Avenue. 20000000000

property might even be ordered merely because of the party who owned it, by no means a strained supposition if the owner happens to be a corporation."

PARTIES TO THE ACTION.

The attack on the assessment was made by Joseph J. Jermyn, through Attorneys Ira H. Burns and Horace E. Hand. Mr. Jermyn's property in the Eighth ward under the triennial assessment was assessed at \$11,000. The new assessment raised it to \$14,000. He filed a bill of complaint alleging that the new assessment was unconstitutional on the grounds upon which the decision is based. City Solicitor Tor-

rey entered a demurrer and at the last term of argument court the hearing on the demurrer took place, Judge Archbald not only overrules the demurrer, but concludes that there is no occasion to allow the defendant to make further action. The case will in all probability go to

the Supreme court. City Solicitor Torrey will submit the matter to councils and ask for instructions as to further proceedure. As the decision affects each of the twenty-four third-class cities of the state alike, it is guite possible that councils will take it to be their duty to carry the matter to the highest tribunal of the state. Members of councils who were spoken to on the matter yesterday said they were by all means in favor of carrying the case to the Supreme court. It is a matter of such grave importance they feel that it should receive the full test of 1.35.

MR. BURNS' OPINION.

Mr. Burns when seen pesterday afernoon at his office in the Mears building declared himself to be pleased, but not at all surprised at the decision. "A lawyer cannot always see the other side of a case," he said, "but in this particular case I am satisfied that the Supreme court cannot do otherwise than support Judge Archbald's finding The clause of the law in question is so clearly unconstitutional as to admit of no possibility of the local finding being reversed. No subordinate body of the stripe of a board of revision and appeals can be given power to think to the legislature, and that is just what the legislature essays to delegate o them when it says the triennlal asessment, an institution of sixty

cars' standing, shall be retained, but if you don't like it fix it up somehow to suit yourselves. "The triennial assessment was estabished for the main purpose of giving

property, land particularly, stated pe riads of rest from tax valuation. A tax valuation is placed on lands throughout the entire commonwealth every three years. Once it is assessed the owner knows what taxes he will be re quired to pay until the next triennial ear and is assured that he will not be called upon every year to wrestle with the board of appeals over his assessment. This new modification of the law would totally defeat the aim and purpose of the enactment bearing on

the triennial assessment and destroy the uniformity which it seeks to establish. SHOULD BE THE SAME.

"The period of rest for land from tax valuation should be the same all over. The man in Dunmore is as much en-titled to the certainty that his tax valuation will not be changed as the man Abington. If Scranton and Carbondale car have an assessment whenever it feels like it there is little possibility of uniformity being maintained." The decision will have the effect of Park Catholic cemetery

Broad and Callowhill streets, Phila delphia. In regard to the wearing of leggings over which there has been so much talk-the regiment will wear them. Some time, perhaps, said one of the Thirteenth's officers last night in talking guardedly about the matter, the action of General Snowdon will be discussed in the proper way. Snowden

the regiment. SCRANTON TEMPLE, NO. 98.

It Was Instituted in Raub's Hall on Saturday Evening.

Mrs. Laura Dreher, district Grand Templar, assisted by ladies from Peckville, Priceburg, Dunmore and Scran ton, instituted Scranton temple, No. 98 Ladies of the Golden Eagle, last Sat urday evening, in Raub's hall. The ceremonies of initiation were exemplified upon one applicant after which the following officers were duly installed: Noble templar, Mrs. T. P. Wendover vice templar, Mrs. Sarah Johnson; sltting past templar, Miss Margaret Williams; prophetess, Mrs. E. Hemlein; priestess, Mrs. C. M. Hayden; marshal of ceremonies, Mrs. Frank Deubler; guardian of exchequer, Mrs. M. C Reese; guardian of finance, Mrs. Van Buskirk; guardian of records, Mrs. L. Stone; guardian of music, Miss Saunders; guardian of inner portal, Frank Crocker; guardian of outer portal, C. M. Hayden; trustees, Mrs. Sara Teets, C. M. Stanley, T. P. Wendover,

Thanks were voted to the visiting ladies who kindly rendered their as sistance in exemplifying the ritualistic work. The new temple starts out with a good membership and bright prospects for growth and prosperity.

MEDAL OF HONOR CONVENTION.

Programme Prepared for the Three Days It Will Last.

following is the programme for he eighth annual convention of the Medal of Honor Legion which will be held in this city on June 8, 9 and 10: Tuesday, June 8-Reception of the Legion in the evening. Wednesday, June 9-Morning, business session; afternoon, excursion;

vening, banquet. Thursday, June 10-Morning, sightseeing and trolley ride; afternoon, carriage drive

The headquarters of the Legion during the convention will be at the Hotel. Jermyn.

A SLIGHT FALLING OFF.

New Cases of Measles Are Not So Numerous. There were one hundred and twenty-

ne new cases of measles reported to the board of health last week, a dedeath from this cause. Five new cases of diphtheria and the

number of scarlet fever were reported. The deaths from all causes were forty-four, seven being attributed to contagious diseases.

CONTRACTOR AND

DIED. STACKPOLE-In Scranton, May 10, 1897, Mary Ellen, infant daughter of Mr. and Mrs. Thomas Stackpole, of 322 Prespect avenue, aged 1 year. Funeral Wednes-day afternoon. Interment in riyde

Song by the audience, "America." Adjudication on the male chorus, Competition, tenor solo, "Dream Thee of a Day" (Miller) donated by the Sam ters; first prize \$5, second prize \$3. Adjudication on poem, "Robert Morris," donated by Joseph D. Lloyd; prize \$10 Song by the Robert Morris Lodge quar will have the leggings ready at Philatet (Selected), Warren, Bowen, Jones delphia. Bauer's band will accompany Stevens. Sompetition, oration, "Thomas Jefferson, confined to pupils of high schools prize, \$5. adjudication on tenor solo. Sompetition, solo for males over fifty years of age, "Bugellio'r Gwenith Gwyn," donated by W. R. Lewis; prize djudication on oration. Adjudication on words for the Welsh na-tional hymn for Wales, donated by John H. Williams: prize \$10, Adjudication on solo, "Bugeillo'r Gwen-ith Gwyn."

ompetition, soprano solo, "Our of the Deep" (T. J. Davies), donated by Morris Thomas; first prize \$5, second prize \$3. djudication on the short story, donated by the Scranton Tribune; prize \$25. Adjudication on the soprano solo.

ompetition, quartette, mixed voices, "Tell Me Thou Pretty Bee" (Protheroe), do-nated by C. E. Pryor; prize \$12. ong by the audience, "O Fryniau Caer

Adjudication on the quartette, ompetition, chorus, "Teyrnasoedd Y Ddacar" in Welsh or English (Lloyd), seventy-five to one hundred volces; first prize \$200, second prize \$75; to each unsuccessful conductor \$10.

long by the audience, "Bydd myrdd O Rhyfeddodau." Adjudication on the Chief chorus,

THE PRELIMINARIES.

reliminaries will be held as follows: faritone solo and the tenor and contral-to duct, at the Y. M. C. A. hall, on May 11th, at 3 o'clock a. m.

Soprano and barlione duet, at Y. M. C. A. hall, May 11th, at 1 o'clock p. m. Contraito solo, at the Y. M. C. A. hall, May 11th, at L30 o'clock p. m. Recitation for females, at Odd Follows' hall, Wyoming avenue, May 11th, at

9.45 n. m. Recitation for males, at Odd Fellows' hall, Wyoming avenue, May 11th, at

Cener and soprano solo, at Y. M. C. A. hall, May 11th, at 6 15 o'clock p. m. blo, "Bugellio'r Gwenith Gwyn," at T. J. Davies' studio, over Powell's music store, May 11th, at 6 o'clock p. m. Pration, Thomas Jefferson, at Oud Fellows' hall, Wyoming avenue, May 11th,

at 6 p. m. Piano solo, at Y. M. C. A. hall, May 11th, nt 1.39 p. m.

BARGAINS FOR EVERYBODY.

Dunn's Fire Sale.

Inside of the store there is a large orce of clerks assorting the big stock of bats and furnishings. Big lot of ods are piled up marked at one-third of what they cost. The whole stock is

to be sold in short time. The goods are marked so low that the stock won't crease of fifteen as compared with the last many days. Go around tomorrow revious week. There was only one if you want to see great values. **

ANNUAL STATE CONVENTION,

Knights of the Golden Eagle Assemble Today in Harrisburg.

The annual state convention of the Knights of the Golden Eagle begins oday in Harrisburg and will continue in session tomorrow and Thursday. Thomas Saville, of Eynon street; Hen-

ry Geiss, of North Bromley avenue; James Quick, of Dunmore, and Ru-dolph Kunz, of Stone avenue, representing castles 375, 388, 153 and 228 left

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