

OUR NEW WHEEL SHOES FOR GIRLS

In a short time the girls of Scranton have discovered the many merits of our New 10-inch Golf-cut Wheel Shoe. It supports the ankle better than an Oxford and is not so confining as the Knee Boot. We have them in black and brown soft Vici Kid, also with plaid tops.



We are selling them for

\$2.50 the pair

SCHANK & SPENCER, 410 SPRUCE STREET.



The Wilkes-Barre Record can be had in Scranton at the news stands of M. Meinhart, 119 Wyoming avenue; Mack Lackawanna avenue.

CITY NOTES.

Light particles of snow began falling... A social will be given by the Enterprise... Miss K. Killea has opened a dressmaking establishment... This evening Dr. Max Stern... For an alleged threat to burn her house... Secretary D. B. Atherton... The funeral of Miss Genevieve Gaynor... John Sanko, while drunk, forced his way into a flat... Mrs. C. D. Simpson, president of the Women's Christian Temperance union... Miss Elizabeth Lewis will today move her dancing academy... At the Academy of Music this afternoon... State Convention at Honesdale... Suffered a Paralytic Stroke... Hears, the man, has the greatest facilities for carting freight... Fresh Fish and Oysters Every Day.

Advertisement for Fresh Fish and Oysters, featuring 'THE SCRANTON CASH STORE' logo and contact information.

PRESIDENT'S POWER TO COMMAND GUARD

Law as Laid Down by the United States Government.

EXECUTIVE AUTHORITY IS SUPREME

The National Guard May Be Ordered by the Chief Executive Directly to Such Duty Anywhere Within the Territorial Limits of the United States as He May Designate--No Assents of the War Department--Judge Advocate General's Opinion.

In view of the doubt expressed in the recent communication from Colonel Hitchcock as to the president's legal rights in order, the National Guard to do military duty outside the state, and with a view to setting this point at rest, we print below the full text of the pamphlet issued by the War Department at Washington and embodying by its official sanction must be considered the operative law in the premises:

The following memorandum was prepared for the military information division of the adjutant general's office, by Lieutenant Colonel George E. Davis, judge advocate general, professor of law at the U. S. Military Academy, in response to the following questions: 1. Does the call of the president necessarily have to be through the governor of the state? 2. Does the call of the president necessarily have to be through the governor of the state? 3. In calling out the militia would it be within the powers of the president to designate certain organizations, or would he have to limit himself merely to making a requisition for a certain number of men?

MEMORANDUM

The existing militia organization in the United States, dates from the act of May 8, 1792 (1 Stat. at Large, 271; Sec. 1025 Rev. Stat.), an enactment due to the pressure occasioned by the Indian war in Ohio, which terminated in the disastrous defeat inflicted upon the forces under General St. Clair, at the headwaters of the Wabash river, on September 4, 1791. The question thus forced upon the attention of congress was an extremely difficult one, "as well on account of the conflicting claims of the states and the general government, as by reason of obstacles to be overcome in establishing any system that would provide an effective force." (Hittorff, Hist. U. S., Vol. IV, p. 209.) The statute thus enacted, however, as modified in some respects by the act of February 28, 1795 (1 Stat. at Large, 421; Sec. 1042, 1055, 1049 Rev. Stat.), still remains, in spite of numerous attempts to amend it, the basis of the militia system of the United States' (Hittorff, 309.)

Before attempting to answer the questions proposed, it will be well, perhaps, to discuss somewhat briefly the nature and character of the military force created by the enactments above cited. In all modern states a military force is obtained by a resort to one, or both, of two systems: (a) the enlistment of volunteers; (b) compulsory military service. In some states a combination of these methods obtains to a limited extent; a portion of the personnel of the army being obtained by voluntary enlistments, and a larger portion by conscription--a method resorted to wherever a compulsory system of military service prevails. Such a combination of methods, however, is usually regarded, wherever it exists, as a matter of expediency or policy; the general resort being to one or the other of the above methods, to the more or less complete exclusion of the other, as a means of maintaining an adequate military establishment. The militia law of 1792 is an example of the compulsory method; the personnel of the military force thus created being declared to consist of "every able-bodied male citizen of the respective states, resident therein, who is of the age of eighteen years, and under the age of forty-five years." This body of citizens, the statute goes on to say "shall be enrolled in the militia" (Act May 8, 1792, 1 Stat. at Large, 271.)

VOLUNTARY ENLISTMENT. The methods of obtaining a military force which have been described differ materially in their application. If the method by voluntary enlistment be resorted to, recruits are obtained by means of agreements, voluntarily entered into, which the government and the recruit are, in the contracting parties. These agreements are called enlistment contracts, and the nature of the undertaking which the citizen enters into, is of allegiance or fidelity to the state, wherever deemed essential to their validity and completeness; this for the reason that the persons who thus voluntarily enter the military service are not, in thus enlisting, performing the duty of defense which is incumbent upon all citizens, as a consequence of their allegiance, but are voluntarily establishing a contractual relation with the state which they propose to serve, which is quite independent of the duty of defense which is incumbent upon all citizens. The enlistment contract is reinforced and supported by the solemn sanction of an oath of allegiance or fidelity. As to the compulsory method is resorted to, the obligation of the citizen to render military service, in return for the protection which the state affords him both in person and property, is everywhere regarded as the basis of the authority for requiring from the individual the performance of military duty. This relation, which is of a constitutional provision, and is the basis of organization of all modern states. In the several statutes constituting the militia, this obligation is recognized in the declaration that the militia shall consist "of every able-bodied male citizen of the respective states, resident therein, who is of the age of eighteen years, and under the age of forty-five years;" and in the additional requirement that such persons "shall be enrolled in the militia." (Act May 8, 1792, 1 Stat. at Large, 271.) It will be observed that nothing is left to the initiative of the individual, or is made to depend, in the slightest degree, upon the discretion of the citizen; the principle of compulsory service is explicitly recognized, and a method of requiring the performance of such service is provided by law. Bearing in mind what has been said as to the mutual relations which exist between the individual citizen and the state, it would seem clear that a formal oath of allegiance or fidelity could add nothing to the obligation to defend the state, by rendering its military service, which is indicated and made incumbent upon citizens of the United States by the statutes above cited.

NO NEW OATH REQUIRED. The several statutes enacted by congress in respect to the militia contain no reference to an oath of allegiance as a necessary condition precedent to service in either the state or national militia. In those states which maintain an organized militia, as distinguished from the enrolled militia which is contemplated and provided for by the acts of 1792 and 1795, such militia being maintained by voluntary enlistments, an oath of allegiance or enlistment is properly required of the recruit at his enlistment, and such oaths usually contain a clause to the effect that the recruit will "support the constitution of the United States;" if the militia laws were enforced in accordance with their letter and

(Continued on Page 10.)

ONE DOLLAR IS THE FEE.

City Teachers Will Have to Pay That as an Institute Assessment. The fee to be exacted from teachers to defray the expenses of the approaching city institute will be lower than for any institute in recent years. Four instructors have been engaged for an average compensation of about \$20 each per day, a total of \$800 for the week. In addition to these, Professors Brumbaugh and Steek, who are lecturers as well as instructors, will be here. They are high-priced men. They or equally good talent are, however, demanded by the teachers themselves.

Superintendent Howell is now actively negotiating for one lecture by one of the best known divines in the country. It is quite possible that another lecturer, a newspaper correspondent of national reputation, may be secured for one address. If either or both of these men are engaged, the expense will be great and will probably make necessary a lecture admission fee. If any lesser talent is secured the lectures will be free.

Thus far only the High School teachers have expressed their willingness to be assigned a place on the programme. This was in response to Superintendent Howell's invitation, open to all classes of teachers. He had hoped the grammar, intermediate and primary teachers might respectively select several from among their number but they have not taken such action. The detailed institute program for the institute has not been arranged in whole, although its general outline, with the names of the probable instructors and other information, have been made known by The Tribune at intervals. It is proposed to have this institute keep pace with the gradual improvement in those of past years and to have it meet the corresponding growing demands of teachers.

ANNUAL DIOCESAN CONVENTION.

Will Be Held in Kingston, Beginning May 18. The annual convention of the Catholic Total Abstinence union of Scranton diocese will be held in St. Aloysius hall, Kingston, beginning on Wednesday morning, May 18, and continuing until Thursday evening, May 19. The first day's session will be occupied in reception of delegates, arranging for a committee on credentials and receiving reports of officers.

On Wednesday evening the St. Aloysius society will hold an entertainment and social for the delegates and friends of the society. It is proposed to have this entertainment take place in the evening, and will be held in the parlors of the society. The entertainment will be held in the parlors of the society. The entertainment will be held in the parlors of the society.

The present officers are: President, Charles Lavin, of this city, who will no doubt be a candidate for re-election; secretary, George McLaughlin, of Freehold, and treasurer, P. F. McDonnell, of Carlisle. They will be candidates for re-election. The question of reinstatement of the Pittston societies may be a matter for discussion. The resignation of Rev. E. J. Melley, of this city, as spiritual director will also be read.

SUSPECTED OF MURDER.

Man Arrested in Scranton for Launcey May Be Charles Adams.

Charles Burlington, of Braddock, Pa., who was arrested in this city last week for the theft of \$37 and a trunk belonging to his sweetheart and who was taken back to Braddock by Lieutenant of Police Donovan, of that place, is suspected of being Charles Adams, who murdered Mrs. Mary Rodgers in Philadelphia last June. While in Scranton Lieutenant Donovan and Clerk O'Connor compared Burlington with the descriptions on file of men wanted on various charges. Burlington tallied closely with the description of the Philadelphia murderer. "Charles Adams" was one of the aliases or the real name of Burlington. The Braddock authorities have been in communication with the Philadelphia detective bureau, and it is possible Burlington may be identified as Adams, the man wanted for murder.

THE LEADER'S MILLINERY OPENING.

A Much Larger Attendance Than in Former Years--Its Popularity of This Busy Store Never Ceases to Grow. The first day of the Leader's millinery opening was remarkable for the large number of people who attended. Previous years were no comparison. Neither was there any comparison in the display. Never was there a millinery department so festively draped for an opening. The interior trimming certainly deserves special mention, as the ceiling is truly wonderful, more especially, however, in the millinery show room, where the very zenith of decorative perfection seems to have been reached. An unusually large attendance for Thursday is expected and preparations are already being made to increase the facilities for showing hats.

CHICKEN THIEVES IN JAIL.

Man Was Fined for Only One of the Five Hens.

All but one of the five boys arrested Tuesday night for stealing chickens from Victor Lauer, of North Main avenue, were committed to jail in default of bail by Mayor Bailey in yesterday's police court. The exception was Joe Walters, bail in the sum of \$200 was furnished for him by William G. Creter. "The Two Willies," Price and Williams, Edward Lord and John W. Verzell were sent to jail.

DON'T RUN ANY RISKS about health. Avoid coughs, colds, fevers, pneumonia, and all other similar ailments by keeping your blood rich and pure with Hood's Sarsaparilla.

HOOD'S PILLS are purely vegetable and do not purge, pain or gripe. All druggists.

Advertisement for Castoria, featuring the text 'CASTORIA For Infants and Children' and a signature 'Chas. H. Hitchcock'.

DEFENSE OPENS IN CITY BANK CASE

Claim Made That the Debt Was Previously Discharged. SURETIES HAVE PAID OVER \$20,000.

As Their Bond Was for Only \$25,000 They Cannot Be Sued For Alleged Irregular Constable's Suit. Judge Archbald Comes Between Warring Neighbors with an Acceptable Peace Suggestion--The Deaton Judgment Note Case. The plaintiff's side in the city bank case rested at 4:15 o'clock yesterday afternoon after three days of the sharpest kind of legal fighting, and the defense through Major Warren, made its opening to the jury. Joseph H. Gunster, as assignee of the bank, he went on to say, is suing on the cashier's bond to recover \$12,067.21, which it is claimed was withdrawn irregularly. These bondsmen were ex-Judge William H. Jessup, the late Dr. B. H. Throop and the late Judge Albert Beardsley, of Susquehanna, father-in-law of George A. Jessup.

When the bank failed May 25, 1889, J. H. Gunster was appointed assignee and when he finished his examination of the books he reported that the shortage of the cashier was \$136,000 in round numbers. The cashier was indicted for embezzlement and the depositors appointed a committee to prosecute the directors for negligent management of the bank. The directors staved off this prosecution by buying in the depositors' accounts. Some time previous to the failure, Cashier Jessup secured options on valuable coal property in the neighborhood of Providence square. Very frankly and with commendable honesty he turned these over to the bank, which realized nearly \$20,000 on the transaction. "Squire Beardsley, and ex-Judge Jessup, together with other friends made up the difference and, in the fall of 1889, wiped out, by the payment, all told of \$141,000 in cash, the total indebtedness of the cashier.

THE SURETIES PAID. The three sureties in question paid \$23,000 of this amount, over twice as much as the amount of their bond. In view of this, Major Warren contended the prosecution is unfair, improper and unjust. At the time of the settlement Assignee Gunster, the depositors' committee and the directors of the bank joined in a petition to the district attorney, which office Judge Edwards then filed, asking that the prosecution against the cashier be withdrawn and making affidavit that every cent of indebtedness had been discharged in full. Further than this, Mr. Merrifield who is sitting with the plaintiff and who is their principal witness, Major Warren said, stated at the time if any further deficiency was discovered he and the other directors would pay it.

The case of Lizzie Morgan against Edward McDonald and Constable Davis, of Olyphant, was on trial before Judge Archbald at adjournment. She sues to recover for household goods which she claims were illegally seized by the defendants. Her father, James Thomas, in 191, owed McDonald a store bill of \$78. On the morning of June 20, at about 4 o'clock, the storekeeper learned that his debtor was carrying his goods from the house and loading them into a Delaware and Hudson freight car, with the intention of moving to Wilkes-Barre. Securing the services of Constable Davis, he attached the goods and afterwards brought them in, at the constable's sale. Mrs. Morgan now claims that a large portion of the goods attached and sold belonged to her personally and that she gave notice of this to McDonald before the sale.

WHAT McDONALD ADMITS. McDonald admits that Mrs. Morgan laid claim to a bedroom suite and that he did not attach it, but further than this she never claimed any of the other articles until the present suit was brought. Attorney Scanlon of Wilkes-Barre, and Carpenter and Fleitz represent the plaintiff, George D. Taylor and Joseph O'Brien appear for the defense. The mandamus proceedings of M. J. Norton against the Dickson City Water company, resulting from the company's refusal to supply three of his houses in Throop with water, was reported settled. The defendant agreed to pay the plaintiff \$25, stand the costs of the case and remove the cause of complaint, the plaintiff in return agreeing to withdraw the mandamus proceedings and a case for damages which he had also instituted. Another suit was settled through the

Easter Novelties

for the approaching Easter-tide. Fragile Crystal Lily Vases from Bohemia--tall Vases, short Vases--all colors, decorations and prices. Also the newest notions in decorated China Easter Eggs, Easter Bric-a-Brac, Etc., are now ready for you at China Mall. MILLAR & PECK, 134 Wyoming Avenue. "Walk in and look around."

instrumentality of Judge Archbald. A. O'Donnell, plaintiff, and Patrick Heffernan, defendant, dispute the ownership of a foot-wide strip of land along the dividing line of their adjoining properties. One side has retained Surveyor Lawrence and the other Surveyor Dunning. Seeing this, Judge Archbald suggested that court appoint a third surveyor and allow the three to arbitrate the matter. The parties agreed and court thereupon formally referred the suit to Surveyors Wolfe, Lawrence and Dunning. A verdict by default for \$64 in favor of the plaintiff was awarded in the wage case of William Madigan against George Kerl. In the case of E. Sweet against A. P. and H. J. Lewis the jury yesterday morning awarded a verdict for the plaintiff in the sum of \$32.19, the full amount of the claim and interest.

WE HAVE THEM THE FULL LINE What? Arnold's Knit Goods What for? Baby and Child Where? AT BABY BAZAAR, 512 Spruce Street. The Novelty Knitting Co.'s Demonstrator is with us for a few days to talk to mothers on the more healthful way of dressing the baby. Come and talk with her.

Framed Pictures Pictures We surprise you with a sale of Framed Pictures--pictures which at the ordinary art stores sell for at least three times what we offer them today. Every one is a Splendid bargain. They are slightly shop-worn--which accounts for these prices: Etchings White and red gold frame, 8x10, 2 each and mat complete to hang, worth \$1.50. Today... 89c Pastels Four-inch white and gold frame Pastels--Florentine gold frame. Today... 1.29 Medallions Eleven gold corners--beautifully gilded up. Worth \$1.00. Today... 50c A Table Full of Engravings--some torn and old. Many are worth 50 cents, 75 cents and \$1.00. Today... 4c

THE REXFORD CO. 303 Lackawanna Ave.

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Easter Opening Many New Novelties for Easter Baskets, and Candy: Rabbits, Chickens, Roosters, Pigs, Easter Egg Dye, 6 Colors in Package, 4c Package, Rabbits on Bicycle, Rabbits in Shoe, Rabbits Pushing Baby Carriage, Easter Sheep and Many Others. Our Cocoanut Cream Eggs are the finest you ever ate, nothing purer--from ric. up. THE Great 4c Store 310 Lacka. Ave. J. H. LADWIG.

Departing for Europe. Nearly 100 Hungarians, Austrians and others left Shamokin Tuesday for New York to sail for Europe, while another detachment left for the western part of the United States, stating that they did not want to be impressed into the army in the event of war with Spain. A batch of about twenty-five foreigners left this city yesterday for Europe. Foot Cycling at Armory tonight. \*\*

Don't Forget This is the last week to get such Bargains in Diamonds, Watches, Jewelry and Silverware. We move April 1st to 205 Lackawanna avenue, Valley House Block. Watch for Opening Announcements. Every purchaser presented with a Sterling Silver Thimble. Weichel, Jeweler, 408 Spruce Street

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Advertisement for Mears & Hagen, featuring 'Dress Goods', 'Kid Gloves', 'Tailor-Made Suits', 'Flexibone Moulded Corsets', 'Black Cat Hose', 'Organdies', 'Ribbons', and 'Meads & Hagen, Lackawanna Avenue, Scranton, Pa.' with address '415 and 417'.