THE SCRANTON TRIBUNE-FRIDAY, MARCH 31, 1899.

ARGUMENT IN THE

WILL BE MADE BEFORE THE SUPREME COURT APRIL 10.

Assignments of Error with Reference to the Decision of the Superior Court-If the Constitution Per- a penalty, there is no conflict. mits a Vote to Be Cast That Per-Its Right in the Ballot Box.

ook on the part of Mr. Gibbons prepared and contains the folsignments of error:

Superior court erred in susthe imagement of the court henot ordering the discharge of

Superior court erred in ted in open court.

g reasons defendant was fully qualified to urt was without jurisdiction. Court question it.

as also without authority of law in te matter of the alleged contempt for he reason that the alleged misdecanor was not committed in open court:

Furthermore, the defendant could not and decision of a contested election. he compelled to give evidence against The ordinary questions of fact arising himself Bill of Rights of the constitution, Anent | ters of record or such open notoriety. the question of lack of constitutional qualifications and a forfeiture of an existing right there is material distinction between the two. The penalty does not enforce itself and no citizen can be deprived of his vote or his liberty by implication or construction. Suppose, for sake of argument, defendant did bribe some one at the general election of 1897, did he thereby become

which might or might not be exacted? MAY HOLD OFFICE.

dected, though guilty of some misde- by himself, his counsel and witnesses, meanor as bribery may hold office and or may his guilt or innocence be dehis official acts be good until he is dis- termined wholly exparte? Can the trial qualified by process of law, Also, a judge alone determine whether the person who has held an office under the offense was committed or must there ederal, state or municipal govern- be a jury? ment, being disqualified by law, yet

to law. Section 33. Article 3, which provides that "a member who has a personal or private interest in any measure or fact to the house of which he is a mem- been fully considered, and the

contained in a statute it would un-doubtedly conflict with Section 1, of the GIBBONS CASE same article and yet the constitution was certainly intended to be in harmony with itself. In the first section the qualifications of the voters are provided for and provides that none others are required. Section 8 provides the additional qualification that the voter must not be bribed or a bribar. Therein the apparent con-* flict lies, but construing section 8 as

The policy of the law," the argument goes on to say, "and the constimit of Itself. Makes the Vote jution is to sift the bad votes from the Legal and no Power Subordinate good before election rather than afterwards. It was with this view that the to the Constitution Can Question constitution of 1874 provided that a foreign born citizen must have been naturalized at least one month before election. These provisions were supple-

The appeal to the Supreme court mented by the registry law framed for com the judgment of the Superior the capecial purpose of preventing the contempt proceedings illegal votes getting into the ballot bex. ast John Gibbons will be argued on Can it be that in the face of all these 10. Mr. Gibbons will be repre- wise precautions the makers of the by Attorneys I. H. Burns, H. Constitution deliberately framed and mer and Ezra H. Connell. The cugratted a section the effect of which would be, if our opponents claims are correct to let a lot of doubtful votes into the ballot box to allow them to he returned, counted and certified with

e Superior court ered in net judgment of the court below. the express understanding that they are only presumptively good, and that they may be thrown out on a contest? If so, then this section is a freak.

"But it may be urged are not votes that the alleged contempt was thrown out even after they have been cast, returned and counted, We say, arguments it is set forth that certainly, but it is where the constituudgment and committal were tional and statutory directions have authority of law for the fol- not been complied with, not where they have.

. .

"If the constitution permits a vote to by the constitution, and forfeiture he cast under certain conditions and hat right by misconduct is penal- these conditions have been complied only by a prevention of the act with, the constitutional permit, of itvoting. The vote being cast, the self, makes the vote legal and no power analty could not be enforced and the subordinate to the constitution can

> CAUSE MANY DIFFICULTIES. "To allow votes of this kind to be thrown out would be to open the door to innumerable difficulties in the trial

he being exempt under the in a contested election are either matas to be only proven beyond dispute. Naturalization and taxes are matters of record. The question of residence is necessarily known to the public and easily settled. But the question of bribery is directly the contrary. It is not a matter of record, and is not done in K

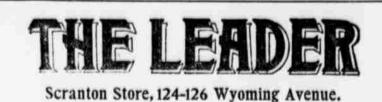
the public view. "The evidence in regard to it is likely to be conflicting. Is the court to be S disqualified or simply incur a penalty governed by the rules of evidence in \$ civilor criminal cases? Must the offense proven beyond a reasonable doubt #

or by the weight of the evidence. Has S For instance, a candidate who is the accused party the right to be heard

"These are only a few of the diffimay sit upon an election board and cuit questions likely to arise if the his acts as election officer holds good. views of the court below are sustained, Section 5, of Article 14 provides that It seems to us that the design of the in counties of more than 150,000 inhabi- constitution makers in this section was tants all county officers shall be paid by to prevent this very multitude of wils salaries, but in Lackawanta county, herein suggested, and they did it by the officers still draw fees and no at- providing that objections against the tention has been paid to it according vote should be heard before the vote

bill proposed or pending before the general assembly shall disclose the points here raised seem not to have decision





MONEY REFUNDED FOR THE ASKING

Extraordinary special sale of Easter merchandise

Marvelous Values in Trimmed Hats.

Cut Prices on Flowers This Week.

This is a sale of goods that you will want PARTICULARLY THIS WEEK. There are only a few days more in which to do your Easter shopping-very likely busy days for us--still, it is in times like these that we desire to offer you SPECIAL INDUCEMENTS--saving chances that are UNDENIABLE--bargain opportunities that will crowd this store to its utmost capacity every hour from now till Saturday night.

Special cut prices on gloves, millinery, dress goods and silks, domestic goods, shirt waists, Easter nov-elties, Easter baskets, neckwear, etc.

Height-of-the season prices are in this store no more than end-

of-the-season prices are elsewhere. Don't give your order for that new hat until you have been HERE, and, above all things, hurry, if

Special Friday Prices

On Domestic Goods.

The quotations under this heading are strong enough to be able to dispense with all elaborations. The equal of the following prices has seldom been seen.

5c Lawns at 2c-Printed Colored Lawns in many very good patterns. Friday special .. 2c

10c Bates' Seersucker at 5c-For Friday's special sale we shall offer several thousand yards at just half price...... 5c

5c Shirting Prints at 2c-We shall place on sale the balance of a great lot of prints of the 5c quality. Friday 2c

6c Prints at 2 1-2c -Also another lot -full standard shirting prints of the 6c quality at 22c

oc Colored Outing at 3c-Just half price on a lot of 1,000 vards. Friday..... 3c

7c Dress Percales at 3 1-2c-All the newest effects, 25 inches wide. Special on Friday. 32C

12 1-2 Cotton Dress Goods at 3 1-2c-Double fold checked dress goods of the shilling quality. Special on Friday...... 3_{2C}

59c Wrappers at 35c.

Special and extraordinary offer in Women's Percale Wrappers, lined to the waist, blue and white, black and white and red

Women's Point d'Esprit Ties at Only 19c

Two yards long and as good as

Gifts and Baskets.

was from 5¢ to 15¢, now

decorated, from

chasers.

8

you can get anywhere at 29c or 35c. Friday special 19C Cut Prices on Easter

Very Special-Our entire stock of

fancy Easter Baskets has been di-

vided into two lots-former price

3c and 8c.

Free Easter grass to all pur-

Panorama Fggs-Biggest assortment

2c to \$2.

Rabbits-In paper mache, sugar,

3c to \$2.

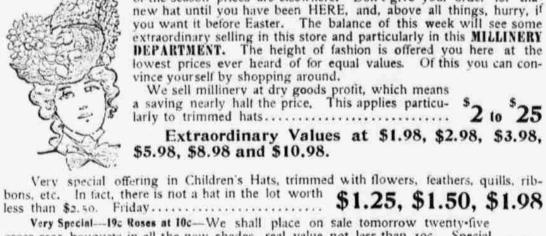
Special in Confectionery-Half pound

Bon-bons 8C

boxes of Chocolate and

chocolate and other compositions,

in the city-crystal finish, nicely



gross rose bouquets in all the new shades, real value not less than 19c. Special on Friday..... 10c 50c flowers of every desciption, cut price Friday 25c.

85c short back sailors, cut price Friday 49c. 75c straw shapes for children's hats, cut price 49c.

Extraordinary Sale of Kid Gloves.

Men's and women's real kid walking gloves of excellent quality, the equal of anything offered in oth-**59**° er stores at one dollar or even one dollar and a quarter. This glove sale is without all precedent-the real value being just double our price. We make these prices for \$1 gloves as a special Easter offering, and if high value was ever (men's) appreciated at a bargain price this glove sale will be the greatest in many a day.

Men's \$1 Kid Walking Gioves at 59:-In six shades of tan, good quality kid, Women's \$1 Kid Walking Gloves at 69c-All popular shades, two patent clasps, every pair warranted the same as the most expensive in our stock. Special Fri-

Women's Kid Gloves in other popular makes, newest \$1.25, \$1.50, \$2 and most desirable shades

Women's Stylish Suits and Jackets.

teen.

Excellent quality of material, strictly tailor-made and positively lower in price than equal values at any other establishment in the state. You will do well to look here for best saving chances.

is the most phenomenal offer of the present

cloak season. Think of it, All wool covert

cloth jackets, tight fitting back, straight fly-front

lined throughout, with silk lined sleeves, in all

sizes and two very desirable shades, military

blue and light tan. A regular five dollar garment at the low price of .. \$2.98

3.98 of good quality covert cloth with double

stitched seams; newest cut, positively tailor-

4.98 silk lined; stylish velvet collar, the

proper cut, excellent quality of whipcord, posi-

5.98 and blue cheviot, jacket lined through-

out with satin, skirt made in the newest fan back

style, lined with percaline and bound with velve-

Jackets Up to \$20. Suits Up to \$25.

made and worth as much as a third more.

tively a seven dollar garment.

for \$6.00 value in Misses' Jackets-Made

for \$7.00 value in Women's Jackets-All

for \$8 00 value in Women's Sults-In black

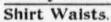
Women's \$5 Silk Lined Jackets at \$2.98-This

Special Friday sale

of dress goods and silks

Unusual bargain opportunity here all day Friday. Don't miss it. 50c dress goods at 25c-One lot of coverts, checked dress goods and fancy diagonal cloth. Value 50c, at..... 25c 15c ginghams at 8 1-2c-Extra quality Scotch ginghams, in the newest and most attractive patterns. Value 15c..... 82C 50c Wash sliks at 39c-High class goods in the new corded effects, very desirable patterns. Value 50 cents. 39c 75c favcy sliks at 49c-All of them very suitable for waist and skirt lining. Special cut price 49c 59c storm serge at 49c-Special offer for today in black and navy blue storm serge. Value 59c..... 49c Remnant Sale-Some very special prices on remnants in skirt

lengths, at half price.



The result of a great purchase awaits you here at the lowest bargain price ever named.

50c Waists at 19c-In pinks, blues and many desirable stripes, very good quality of lawn, detachable collar and laundried cuffs, all sizes from 30 to 42. Real value half a dollar. Special bargain at..... 19c 75c Waists at 49c-In lawns and faucy percales, with detachable col ar and laun-

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.....

dried cutis..... 49c \$1.25 Waists at 89c and 98c-Of sheer lawn, in colors and white, with tucked fronts, vertical tucks or bias, detachable white linen collar, real value \$1.25,

89c and 98c

The 6c Kind at 2c-Plain and colored

The loc Kind at 5c-Men's and wom-

kerchiefs. Special on Friday 2c

en's white and colored border

border hemstitched hand-

handkerchiefs. Special on Friday..... 5c

Laces and Embroderies.

of these laces is up to loc

the vard-width from 2 to

10c Torchon Laces at 4c-Real value

5 inches..... 4C

at 5c and 8c-Swiss, cambric and

nainsook embroideries up to six

5c and 8c.

12 1-2c and 15c Embrolderies, on Friday

An Easter Offering

In Handkerchiefs.

A Friday Sale of

inches wide.

takes that position because he has no by one of the clerks was counting a

way of protecting these men from con- bundle of notes, and her thumb, ap

sequences which might arise as to their plied from time to time to a sponge

standing in the police department. He near by, was wet. This fatal thumb

will give the committee, he said, what clasped Ninger's bill and made a grea

information he possesses as a basis | blur. The cashier looked at it and

Friday Sale of **69**° for \$1 gloves (women's)

\$7.98

for women's

\$5.00 jackets.

and shall not vote thereon," is cited as being analogous to the case of the defendant. ontinuing, the argument asks if any

bill or measure passed by the vote of a member of the assembly interested therein, could that bill or measure be declared invalid if the illegal act of the member voting. Thus with the voter who had not been previously challenged at the time of voting upon the basis that he had bribed some one The penalty in this case would be for one year and must be exacted in the method pointed out or not at all. The penalty must be exacted before the vote is cast and the challenge is the first step.

However, whether a challenge is made or not the statute of limitations runs with the day of election, the day in court has passed and there can be no further adjudication, because the law makes no provisions for it. Py a test of comparison, if the pro-

THEY RIDICULE IT.

Many People Ridicule the Idea of an Absolute Cure for Dyspepsia and Stomach Troubles.

Ridicule, However, Is Not Argument

and Facts Are Stubborn Things. Stomach troubles are so comm and in most cases so obstinate to cure that people are apt to look with suspicion on any remedy claiming to be a radical, perament cure for dyspepsia and indigestion. Many such pride themselves on their acuteness in ever being humbugged, especially in medicines.

This fear of being humbugged can be carried too far, so far, in fact, that many people suffer for years with weak digestion rather than risk a little time and money in faithfully testing the claims made of a preparation so reliable and universally used as Stuart's Dyspepsia Tablets.

Now Stuart's Dyspepsia Tablets are vastly different in one respect from ordinary proprietary medicines for the reason that they are not a secret patent medicine, no secret is made of their ingredients, but analysis shows them to contain the natural digestive ferments, pure aseptic pepsin, the digestive acids, Golden Seal, bismuth, hydrastis and nux. They are not eathartic, neither do they act powerfully on any organ, but they cure indigestion on the common sense plan of digesting food eaten thoroughly before it has time to ferment, sour and cause the This is the only secret of mischief. their success.

Cathartic pills never have and never can cure digestion and stomach troubles because they act entirely on the bowels, whereas the whole trouble is really in the stomach.

Stuart's Dyspepsia Tablets taken after meals digest the food. That is all there is to it. Food not digested or half digested is polson, as it creates gas, acidity, headaches, palpitation of the heart, loss of flesh and appetite and many other troubles which are often called by some other name.

They are sold by druggists everywhere at 50 cents per package. Ad-dress F. A. Stuart Co., Marshall, Mich., for little book on stomach discases, sent frac.

itself is a good example of the necessity of a supreme court for the correction of errors," REMAINS HAVE ARRIVED

Body of Private Harry L. Pease Who Died at Santiago Shipped 1.87 from New York Yesterday. Sketch of Young Soldier.

The remains of Private Harry L. Pease, the Scranton boy who died of typhold fever at Santiago last August. and which were brought to this county on the transport Crook, are expected to arrive here this morning: His father O, R. Pease, of 639 Washington avenue, received the following telegram shortly before midnight:

New York, March 39, 1899. To O. R. Pense, 639 Washington avenue,

Scranton: Remains of Harry L. Pease, late Com-pany H. Eighth infantry, shipped you by Weis-Fargo express March 30, 1899. Weis-Fargo express March 30, 1899.

The remains will rest a. the family home until tomorrow at 10 o'clock p. m., when they will be taken via the Delaware, Lackawanna and Western road to Clark's Green for interment. The funeral will take place from the Clark's Green Baptist church at 2.30 o'clock

Private Pease was a member of the Thirtsenth regiment and enlisted in the regular army in New York city Aug. 3, 1897, being assigned to Company H. Eighth infantry, stationed at Fort Russell, Wyoming.

months later, his regiment was moved o Chickamauga, then to Tampa, and then across to Cuba with General

He went through the fight at El Caney and was then taken sick with typhoid fever. He died at the hospital in Santiago. August 4, a year and a day after he enlisted. The remains were buried in Santlago and with the others were disinterred recently and brought to the United States Wednes-

day on the Crook, Private Pease was 21 years of age July 6 last. He was born in Clark's Green and lived there until about three years ago, when his family moved to this city. He was a brother of Corporal Homer D. Pease, Company A. Thirteenth regiment, Pennsylvania Volunteer infantry,

The deceased was a young man of a pronounced religious turn of mind. Ho joined the Clark's Green Baptist church when a mere lad, and upon coming to this city, united with the Elm Park church. He was a member of the EDworth League and the Zenith society

and was prominent in all the work of those organizations. When he entered the army he took a

letter from the Fim Park church and Friceburg. associated himselt with the Methodist church in Cheyenne. He and his chura Sergeant Zimmerman walked three miles every Sunday to attend divine services. He was known in the regiment as "Farson" Peace.

THE SCHEDULE COMMITTEE.

Will Meet in the Hanover Hotel. Philadelphia, Next Thursday.

The meeting of the schedule committee of the Atlantic league which | ler, of Wilkes-Barre, conductor on

hotel. The schedule committee is made | run; rson and Richmond. Scranton will have representatives on by Superintendent Wentz for the resent to see that this city is prop-

FOUGHT A GREAT FIGHT.

Brought Relief.

When the war broke out, eight rly considered in the making up of the chedule. The present outlook for the season is very encouraging.

Shafter's army. Death, However, Won at Last and On of about Feb. 17, of this year, Lorenzo Resotka was injured by a fail

of rock while at work in the Johnson mines at Priceburg. He was removed o his boarding house and lay in bed until the Monday following suffering |

untold agony. On that day, he was brought to the Lackawanna hospital and it was discovered that his back was broken. His case was well nigh hopeless to

begin with and the neglect of the first ew days almost scaled his fate. But he seemed to bear a charmed life and for a week or so actually grew bester, Then a change, and a decided one, came for the worse and for almost three fight with death, practically dving by

He is unmarried, and the only relative he has is a married sister at

FIVE EMPLOYES DISMISSED.

Old .tailroaders on the Jersey Central Are Discharged. The local branch of the Jersey Cen-

tral road was all agog yesterday over the announcement of the dismissal of five of the oldest of the company's em-

nloyes. They are Paschal L. Hoover, train

was to be held tomorrow in Philadel- what is known as the Wilkes-Barre phia has been postponed until next and Ashley shift; William McGowan Thursday. It will meet in the Hanover of Ashley, conductor on the Nanticoko William Bullook and Paimer up of representations of Newark, Pat- Smith, the respective engineers on the aforementioned runs. No cause is giv-

\$7.98

for women's

\$5.00 jackets.

ca,

men's removal. Mr. Hoover has been in the company's employ for forty years, and for

thirty years has served as a train dispatcher. The other four have all worked on the road for periods ranging from fifteen to twenty-five years. The men, themselves, are at a loss to explain their dismissal.

THE BEEF INQUIRY.

Three Original Witnesses Are Recalled at the Hearing.

Washington, March 20 .- There were three original witnesses before the army beef inquiry court today and two former witnesses were recalled, Lieutenant Colonel Gampfer, who was commissary of subsistence at Lakeland, Fia., and Major Creighton Webb, who was on General Lawton's staff in Cuba, testified for the first time; Colonel Woodruff, of the commissary department, and Mr. Morehous, the Tampa agent for Armour & Co., who weeks he has made on owe-inspiring superintended the supply of fresh beef to the troops at Lakeland, were those inches, Death, at last became victor recailed. Major Webb's testimony and at 5 o'clock yesterday the end deait almost entirely with the canned Major Webb's testimony

roast heef which he denounced as useless as an article of food. Lieutenant Gampfer said that a representative of Armour's, whom he took to be Mr. Morehous, had told him that chemcals were used to preserve the beef. This Mr. Morehous, when recalled, de-

Tomorrow some of the medical officers who serves in the Cuban campaign will be examined.

The Caller-I would like to see bling in the way of a check. The Tallor-Excuse met are you a cus dispatcher at Ashley: Charles F. Stel- | torosr or a bill collector ?- Yonkers States

BLEEDING THE POLICE. New York Officers Are Asked to

Contribute to a Mysterious Fund. Governor Roosevelt Receives Letters.

Albany, N. Y., March 30 .- Governor Roosevelt has received from several members of the police force of New York city communications to the effect that an assessment has been levied on that department for some unknown purpose. The governor made a statement to that effect tonight. He refused to divulge the names of his correspondents or to permit the contents of their communications to be published.

These letters, he said, were principally from men who had been asked to

contribute but who had not done so. They have been received by him during the past two months. From what e gleaned from the letters the men of the police force had been requested to contribute according to their rank. He understands that the patrolmen were assessed \$10 and the roundsmen \$15 and the sergeants and captains paid proportionately.

Some of the men had been led to be leve that the assessment was for some enevolent purpose. Others did not have the slightest idea of what it was a be used for. The governor said that none of the letters stated that the money was to be sent to Albany for any

egislative purpose The governor further said that he could not reveal the names of the writers to any one. He said that he had been asked to submit them to the ommittee which will be appointed inder the resolution adopted by the ssembly to investigate the rumors that money has been raised in the New

York city police department for the ourpose of influencing legislation. He romised each writer that his name

ut the change. Worst Blizzard of the Season Is Raging in West-Railroad Traffic Is Blocked. Burlington, Ia., March 20 .- The worst now ever known this time of the year his term is up he will be sent back

is raging all over this region. Train again for making counterfeits in New and street cars are much delayed. Jersey. Galesburg, Ill., March 30 .- The worst storm of the season is raging here

Flight inches of snow have fallen and there is no sign of a let up. The schools have been closed. Pusiness is

and wind storm is increasing in vio lence The fall of snow is now 9 inches Street car traffic is difficult, If the storm continues the railroads will

siters are run to earth, is given in the April Ainslee's, where the celebrated case of Ninger is given in detail.

\$20 and one \$50 note to New York. He passed five of them successfully at

upon which to commence its work, but quickly drew the bill across the spange. its members cannot see the letters When she removed It, it was nothing which are in his possession or learn the but a blotch of ink. She made the names of their writers. change, the clerk gave it to Ninger, and, seizing his hat, followed him from the store. All this had been done unob-**BIG SNOW STORM** served by the counterfeiter. He took his \$50 note to a saloon and gave it in IN THE WEST exchange for his beer. The bartender whistled at the size of it, but handed

> When Ninger reached the sidewalk, eady to return home, he was arrested, He is now in Kings county penitentiary serving a sentence for passing counterfeit money in New York, and when

Gibson-I saw Grabber, the defaulter, in South America. Bonds-How's he getting along? Gibson-Fine! He's 'way in in society. Told me he way't there over a month before all the ladies in his family were fourthers of the Parisiumon Buch Daughters of the Revolution .-- Puck

NERVITA PILI

Cures Impotency, Night Emissions and wasting diseases, all effects of selfabuse, or excess and indiscretion. A nerve tonic and blood builder. Brings the pink glow to pale cheeks and By mail 50c per box, 6 boxes for \$2.50; with a written guaran.

tee to cure or refund the money. Send for circular. Address,

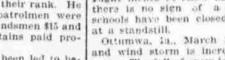
NERVITA MEDICAL CO. Clinton & Jackson Sts., CHICACO, ILL.

Sold by McGarrah & Thomas, Drag. dists., 209 Lackywants ave., Scratton, P.

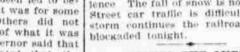
Restores Vitality, Lost Vigor and Manhood.

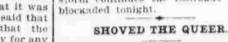
at a standstill. Ottumwa, 14., March 36 .- The snow

blockaded tonight.

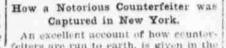


Captured in New York.





How a Notorious Counterfeiter wa



On the day of his arrest he took sh

various places where he made pur

chases and took the sixth to a Third should not be divulged and he intends avenue grocery. On this occasion the to keep his promise. He said that he leashier to whom the bill was handed