THE SCRANTON TRIBUNE-TUESDAY, APRIL 24, 1900,

The Scranton Tribune

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When space will permit. The Triberne is al-ways glad to print short letters from its friends bearing on current topics, but its toke is that these must be signed, for publication, by the writer's real name; and the condition precedent to acceptance is that all contributions shall be subject to editorial revision.

TEN PAGES.

SCRANTON, APRIL 24, 1900.

FOR VICE-PRESIDENT, CHARLES EMORY SMITH, OF PENNSYLVANIA.

REPUBLICAN NOMINATIONS.

Legislature.

First District-THOMAS J. REYNOLDS Second District-JOHN SCHETER, JR Third District-EDWARD JAMAS, JR. Fourth District-P. A. PHILBIN.

The Tribune's candidate for vice president is not the property of any faction. His Republicanism is as broad as the boundaries of his party. Pennsylvania cannot afford to stand for a smaller type.

Renominate Grow.

HE RIGHT of any Republican in the commonwealth to aspire to the office of con-

gressman at large-an office by the way, which will soon disappea -is not to be questioned; and if for geographical reasons the delegates from Philadelphia unite in the advo cacy of a Philadelphia candidate, w see no reason why their action should be criticised. The community which does not ask for recognition in politics seldom receives it: and our Philadelphia friends have long since overcom any congenital inclinations toward excessive modesty.

But it needs to be understood that the party at large cannot accept a Philadelphia candidacy if it is to cause the sacrifice of that grand old man of Pennsylvania Republicanism, Galusha A. Grow. Mr. Grow, it is true, happens to live in the section of the com monwealth which is also to supply th nominee for auditor general; but he belongs to the commonwealth at large the sentiment which views in his candidacy a connecting link between the birth and the manhood of the Republican party is as firm in one portion of the state as it is in another; in his case all considerations of geography can and should be dismissed.

It is true that Galusha A. Grow rer resents and is supported by no political machine; that he is not in close touch with the men who make polities a business; that his only claim to con sideration is the memories that he represents and the fidelity and ability of his extraordinary public services. Yet there is enough respect among the people for this venerable father of Re-

Republican caucus. This prosecution he were to keep up the scale of expenresulted in an acquittal but accomditures for social and display purposes plished the real purpose of its authors to which the people of Cuba were ac serving as a pretext for the precustomed during the Spanish regime, ten times that amount would hardly arranged deadlock. The political question presented to suffice. The other recipients of extra

the senate, therefore, is whether a allowances were General Ludlow, when state is to be deprived of represengovernor of Havana province, Major tation by these means. The legisla-Bliss, the collector of Cuban customs ture of Pennsylvania having adjourned and Major Ladd who has been acting as custodian of funds for the military without fulfilling its duty in respect administration. The entire sum thus to the election of a senator, a failure due wholly to the factional manipulaallotted was only \$16,000, or about tion of a small fraction of its memwhat a wide-awake Spanish subordibership contrary to all established nate would expect to steal in one year party custom, must the majority yield if in a position to get his hands on to this insurgent minority, the penalty anything valuable.

being a vacancy in the state's repre-Everybody who knows anything sentation until another legislature can whatever about the Latin race knows he chosen by the people charged with how necessary it is to use expensive repairing the dereliction of its predeforms and ceremonies in dealing with cessor? Would not the giving by the them, and how sensitive they are to senate of assent to the minority's atremissness in social courtesies or at titude as revealed in this case result tentions. General Wood ought to have in a multiplication of legislative dead-\$50,000 a year and it would be economy locks by sorehead minority intrigue in the long run to let him have it. The and threaten continuous reduction in same, in proportion, is true of his the membership of the senate? subordinates. We are in for this trop-The authors of the Harrisburg deadical business for better or worse and lock profess to fear that Quay's admust play the game according to mission by appointment would tempt native requirements; we can not ex-

native requirements; we can not ex-pect the Cubans to alter their natures bound that there were certain purposes in the his friends to construct a deadlock of and recast all their traditions to fit their own in the next legislative sesthe parsimony of the average Demosion; they perceive that their vicious precedent invites retaliation in kind. cratic congressman when he is criti-But if Quay's friends were again in cizing something that a Republican administration has done. the majority, they would not need a

deadlock; and if, on the other hand, they should be in a minority, the very According to the informal talk of the senators who recently visited Cuba, reason now urged for Quay's admisthe solution of the Cuban problem is sion, namely, that he is the choice of the majority of his party, would then to let the Cubans have independence until they get tired of it, whereupon be absent and a second appeal to the there will be a general demand for senate could not be sustained.

annexation. It is easier to lead the The whole question in its practical Latin race than to drive it. spects hinges upon the right of a majority in a political party to act for

the party and to have its action in dorsed. The credentials of Quay have the executive mansion in Albany he the indorsement of a large majority will be appointed governor of the of the Republican members of the last Philippines. The president could not legislature: they represent an impregnable case for party regularity; and make a better choice.

on this basis we hope to see him ad-Representative Landis of Indiana mitted today as a rebuke to the tennforms the Indianapolis Press that dency of minority intrigue to upset the there is not a Republican member of fundamental republican principle of congress who would vote for the shipping bill. Mr. Landis has a fine vein

omplete.

Does the Pennsylvania organization of humor. wand, can it afford, to proscribe Re-Labor troubles in Chicago threaten publicanism of the callber of Charles to make the coming Dewey parade Emory Smith's? brass bandless. The vindication of the

As Viewed at Washington. HE WASHINGTON Star yes-

terday printed the follow In addition to the trouble caused by ing editorial in reference to

the Boers, the British generals seem Charles Emory Smith in to have considerable to occupy their onnection with the vice-presidential minds fighting among themselves.

"Still another suggestion going to According to latest reports from show how admirable the field is from Manila it will be necessary for the United States troops to kill General which the Republicans may choose Pio del Pilar all over again. their candidate for vice-president is

that of Postmaster General Smith for Charles Emory Smith has precisely second place with Mr. McKinley. The the qualities which are needed in the suggestion is not new, the Star having vice-presidency. He would make an had the pleasure of making it several ideal candidate. month ago, but with the approach of

Duke d'Arcos bids fair to be most

The present season of springtime onvention day it comes up afresh, and proves enjoyable in spite of the indin many quarters it is the theme for viduals who predict snow storms for May.

ured. It is spontaneous

"Charles Emory Smith richly deserves the applause which this mention of his The sentiment for Charles Emory name is calling out. He is a brilliant

From the Pittston Gazette,

PENROSE IN BEHALF OF MR. QUAY

[Concluded from Page 1.] That this purpose to keep the senate full must

have been str been strong in the minds of the framers constitution is evident when we consider t the the importance which they attached to the con-stitution of the senate. Many conflicting theory prevailed as to the manner in which this branch of the national legislature should be constituted. Many suggestions were made and considered. The senate was to be chosen by the first branch of the legislature; it was to he chosen by the state legislature; it was to be shosen by the people; it was to be appointed by the president; it was to be chosen from disthroughout the union or to be apportioned by the representatives after a census; the power of miniation was to be given to the legislature; the states were to be represented according to their importance or in prosected according to their importance or in pro-portion to their property; or on a basis of equal representiation of the states in the body. It was originally supposed that the senate would be of aristocratic character; that it would be a re-

traint on the excesses of democracy, and con sist of persons of wealth and influence, with power and ability to resist the encroachments of the executive. It was supposed that its duta tion would be for life; that there should be property qualification; and that many executive unctions should be given it, such as the ap pointment of ambassadors and judges.

onstitution of the senate, which have been set forth by Alexander Hamilton in five letters in "The Federalist." They were to conciliate the spirit of independence in the several states by giving each, however small, equal representation with every other, however large, in one branch of the national government; to create a council qualified by its moderate size and the experi-

ence of its members to advise and check the president in the exercise of his power of ap-pointing to office and concluding treaties; to urnish a restraint and check upon the tyrancy and mutability in opinion of popular majoritie represented more closely in the house of representatives; to provide a body of men less sub-ject to frequent changes in membership and com paratively free from popular clamor, so that they might constitute an element of stability in the government of the nation, enabling it to main-Gossip alleges that after Governor Roosevelt has served another term in and algoad; and, finally, to establish a court proper for the trial of impeachment, a remedy necessary to prevent the abuse of power by the executive. A scrator is the representative of the sovereignty of the state; he represents the state in its political capacity. Its members in carlier times regarded themselves as a sort of congress of ambassadors from their respective states, and they were accustomed to refer for advice and instructions each to his state legislature. As a compromise between the advocates o states' rights and states' sovereignty, the plan was finally determined on of giving each senator me vote and each state an equal representa tion. So strong was the final determination that the senate should consist of an equal represents on of the states that it was provided in Arti le V that-

'No state, without its consent, shall be de prived of its equal suffrage in the senate." Is it not clear, when we consider, therefore the history of the evolution of the senate from out of the many diverse and contending theories nto the form in which it was finally created, that the framers of the Constitution intended to create what is the most important branch of the whole system of our government-a per manent body existing as an intermediate linit between the executive and the house of repre-

sentatives and preeminently an assurance of the continuance and stability of our instituions? Work of the Senate.

It is hardly necessary to go into details as to the overwhelming importance of carrying out this paramount purpose of the framers of the Constitution in having the senate kept filled. No technicalities or subtleties should stand in the way of commendation this end, the the way of consummating this essentially important end. Any doubts, if such exist, should resolved in favor of this object, the importance of which is admitted by every out, the work of a senator, especially from some of the larger state, is sufficiently ardious and burdensome to render it extremely desirable, in burdensome to render it extremely desirable, in the state may ance of which is admitted by every our. The order that the public business of the state may be properly expedited, that the state should be represented by two senators. The inconvenience to the members of this body incurred by such

Smith for vice-president is not manu- vacancies is considerable, because the mechanism assignments and H other matters pertaining to the conduct of its business is more or less disturbed. The equal representation solemnly guaranteed by the con-He is "not a candidate" but if his titution to each state is imperiled. Even more breader and wider ground it can be said that the people of every other state, of all the United States, are interested in having, and are entitled to have, every state in this union fully represented upon the floor of this body. It has been argued that we can easily afforto have year after year one or more states but partially represented here, and that no serious or practical inconvenience results. It has been intained that in some way it is the fault Congressman Connell's 1dll providing for the of the state because the state legislature fails to elect, and that the state should suffer thereercetion of a new tederal court district in this state, to be known as the middle judicial disfor, as if no other part of the country had any interest in maintaining the full lategrity of the senate. It might frequently happen that where senars. It might frequently happen that where a majority of the people of the United States had declared one way upon a question and were entitled to be represented by a certain majority of senarors to this body upon that question that the popular will might be frusrated and nullified by the failure of one, two three legislatures to elect. There have been several important cases bear ing cut this statement. There have been great uestions settled by this senate by a majority of one or two voles. Had the states represented by the senators in those small majorities been unpresented or but partially represented, these great questions would have been determined otherwise. The tariff of 1846 was deleated by the casting vote of George M. Dallas, then vice president. The impeachment of Andrew John son was defeated by one vote. The force bill was defeated in the senate by one rate. This very question of the validity of an executive appointment was determined in this senate in the Mantle case by a vote so close that but for misunderstanding regarding certain pairs it might have been determined otherwise and exist today as a precedent in favor of the present appoint Other equally actable instances might be cited.

desire to carry out the purpose of the constit is ap the narrow construction which is ap senators on the other side of the ques tion should be applied here and the literal ren-dering of these words should be taken, the legis-lature would have no authority to elect for a term of less than six years. Consequently, when the legislature fulled to elect a senator prior t the expiration of a term, the term having conmenced, they could not fill such a vacancy b election because the election would not be for six years, but for a period less than six years, and doubtless it would be argued that the legis lature having failed in its duty to provide it advance for filling the office of senator in ampl-time before he orginning of the term, the state should incur the penalty for such delinquency being unrepresented until a term came round, But those who delight in technicalities and qui-bles have hardly gone this far in applying this rendering to these words. While literally only authorized to choose senators for a term of a rears, legislatures continually choose senators fo lesser periods of two, three, or four years, o whatever may be the balance of the senatoria term for which they may elect, and this depart use from a literal rendering of the constitution has been a proper interpretation of the purpose of the constitution that the senate of the United States should be kept filled.

The Second Instance

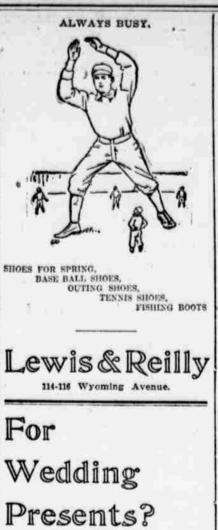
The second instance found in the words re ferred to in clause 1, in which the literal mean ing of the constitution has been still furthe strained in order that the election of senator migas be facilitated, is strikingly shown in th manner of choosing senators. The constitution declares that they shall be chosen by the legis latures of the states. It would seem clear from this language that the requirements of the con-stitution in regard to the election of senator would not be complied with unless its member-were elected by the legislatures of the severa states in the same way that haws are passed by the concurrent act of the two branches, approve by the executive, or at least by elections held separately in each independent legislative cham

ber. But the practice long prevailed, and was silently acquiesced in by the senate of electing its members by joint ballot of the two branches of a state legislature, in which the members constitute one aggregate body, and in which the less numerous branch is dissipated and lost in the larger. This practice has now been estab lished by the act of congress of 1866, and while

its constitutionality has been question practical purposes it is now too late to call int question this mode of election. So far as most of the states are concerned th legislation by congress has been affirmed by state legislation; nevertheless, as it is not competent for the members of a legislative assembly to do any ordinary act of legislation by proceeding joint ballot, an election effected by the men hers of the legislature in that manner cannot properly be said to be the choice of the legisla ture. Perhaps there could be no greater eviden. from the point of view of the senators upon t other side of this question of a strained an almost violating interpretation of the constit. tion, masse and acquiesced into facilitate the elec-tion of senators that the senate may be kep filled, than is afforded by this instance. Cha cellor Kent says in his commentaries that if the juestion was a new one it might well be main tained "that when the constitution directed that the senators should be causen by the legislatur it meant not the members of the legislature pe capita, but the legislature in the true technica sense, being the two houses acting in their sepa rate organized capacities, with the ordinary constitutional right of negative on each other's proeedings" (Kent's commentaries vol. 1, 225) The final words of clause 1 of section 3 are 'And each senator scall have one vote.''

Duty of Americans.

The fact that the states of this union are here upon an equal basis is one of the striking fea-tures of the constitution of the senate. It is an element for conservatism in the construction of our government, however much it might have been the result of a necessary compromis Every patriotic American, to whatever state h may belong, should have an interest and a prid-in the success and welfare of each of the splen did sovereign commonwealths that constitut our union. No jealousy or cavil at this equa ity of representation should be felt. Those small states of the original thirteen which formed the government are entitled to be here because the equally with the other original states beloed t Those newer states, splendid '1 their size an in their fertility and possessing brilliant possi bilites, while smaller in population at presen than some of the older



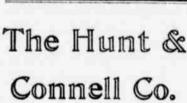
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publicanism to make it very impruden for a younger generation of politicians to try to thrust him aside

a diplomatic post of importance and The Press is the name of a publicadifficulty with much success, and he is tion said to be published in Pittsburg now filling an office which demands and alleged to be opposed to Charles even a higher order of capacity. He Emory Smith for vice president, We is, moreover, a valued and valuable addo not recall having ever heard of the visor of the president on questions in Pittsburg Press, but if there is such general. So that as a writer, speaker, a paper and if it is opposed to Mc. Smith the chances are that the fact diplomat, and executive he has shown is to his credit.

The Quay Case.

T HAS BEEN well said that in genious minds can find abundant constitutional grounds for

any policy which can be proosed. The case upon which the senate has agreed to vote this afternoon at 4 o'clock has been ably and exhaustively argued on both sides from constitutional standpoints, with the result that so far as its constitutional aspects are concorned there is as wide a divergence of opinion as ever. Whendoctors disagree it would be useless for laymen to argue. We therefore waive this phase of the subject.

Frankly recognizing the public's inability to agree on the constitutional points involved, perhaps there is hope for a nearer approach to unanimity with respect to the common sense of the matter. In this hope let us recollect the facts. The campaign of 1998 in Pennsylvania, in which Stone ran did that very thing and drew a prize. for governor against Jenks, Democrat, and Swallow, Prohibitionist, was es-But the point then was to conciliate Mr. Conkling, who was threatening to sentially a fight between the Quay and the anti-Quay elements of the Repubsulk, and whose loss to the party would lican party for control of the party be very great. There is nobody of Mr. organization. In connection with the Conkling's force anywhere to be congovernorship a legislature was elected. and in those legislative districts where the anti-Quay men were beaten at the primaries fusion with the Democrats hour. against the regular Republican nominees was attempted, and the fight throughout was of a guerilla character, tor extinguish Quay from the party it to the Harrisburg convention. leadership.

Stone won and the regulars elected a large majority of the Republican membership in the legislature, but not licket. Now is the time to create good precedent. a majority of all the members on joint ballot. In pursuance of custom a party caucus was held, which was attended by more than two-thirds of the Republican members of the general assembly; and at this caucus Senator Quay was nominated as the party candidate for senator to succeed him- fact that special expense allowances self. The defection of a baker's dozen of members claiming to be Republicans but refusing to abide the decision of the Republican caucus threw the official establishments while engaged legislature into a deadlock which contiqued unbroken until adjournment. Following the adjournment the caucus but it ought to bring out public warnominee was appointed by the gover- rant for a considerable increase in nor. Collateral with this deadlock was those allowances, which are now in a manufactured prosecution of Colonel most cases too small. Quay in the courts of Philadelphia for alleged conspiracy to misuse the pub-He funds, a prosocution manifestly. States as a major general of volunpolitical in origin and inspiration and teers, and is allowed \$7,500 more from so timed as to supply the bolters with the Cuban revenues for official exan excuse for their refusal to enter the penses, making \$15,000 in all; yet if

and exceptionally able man. He ranks with the foremost journalists of the English-speaking world. He has filled

ompliment and approval.

majority rule.

nomination.

party calls, Charles Emory Smith will obey. The sultan of Turkey continues to promise and build ships. A GREAT CONVENIENCE.

qualities which have entitled him to distinction, and by the exercise of

trict, has been favorably reported to the bouse and will doubtless become a law. The new dis-trict will be attached to the Third United States which he has achieved distinction. "It is superfluous to say that Mr. circuit. There are now two judicial districts in the state, the Eastern and Western. Lazerne Smith is a staunch Republican, and is ounty is in the latter, and litigants are fre-mently compelled to go to Pitt-burg to*attend in thorough sympathy with the administration of which he is so worthy and ie sessions of the federal courts. The new disonspicuous a member. He has health trict court will be a great convenience to the neople of this section. and energy and aggressiveness, and as his party's candidate for the second THE BADGE OF CHIVALRY.

highest office under the government he strenuous spirit born to thrall would make a canvass from which his Of toil: A form rough-hewn, by labor chained party would derive very great benefit. to sunlit fields or cities crude "The vice-presidential nomination at

Turmoil; Philadelphia will be, and should be, An engine's side, in ship's deep hold, Or loaded barge or minor's cell; In all the strife of all the world, made with care. The president deserves, and the good of the party re-That falls since man primeval fell. quires, that he be associated with a

Erect he stands in all the lands strong man for second place. It is no Of earth, Upright of soul, though far the goal, time for complimenting men, or for taking an unknown and undeveloped hough crude the giant chiseled form. No mirth man on trust. It is true that in the shall scorn or mock the bomely mold, For all the wealth and all the gold The men of earth have known or know case of General Arthur the Republicans

Had birth from those great knotted hands, His sign and badge of chivalry, The hoe, The scythe and reaping book, the flail, The cart and lowly humble beast; The flow Of running mill stream, hives of bees,

iliated now, and so the party has only Cathedrals built of mighty logs, And clearings bared of tow'ring trees to consider the matter in connection Or smiling fens and flow'ring bogs. with the general necessities of the And seen in bands of girdling steel,

Or amoke From grimy foundries, tunneled hills; A broad, national, patriotic view of the question. We earnestly commend In singing anchor, lapping sails, The stroke d hammer, anvils ringing sweet;

n pletured story, carved form, Never has Pennsylvania had repremasonry and paved street. sentation on a Republican presidential or battles won and breasted storm. Magician he! surpassing power!

His touch Brings forth the rainbow hues of God Common Sense Vs. Parsimony. 'rom dull plain stones near Nature's heart, HE DEMAGOGIC attempt Can such In truth be called a "Monstrous thing,"

of the Democratic minority "A "Brother to the Ox?" Can sting Of "Terror dumb" apply to him in congress to make campaign thunder out of the Whose soul is kin to "Seraphim?"

He may not reach the wondrous heights have been made out of the Cuban reve-Of lore, Nor hear angelie deathless songs, nues to the American army officers who have had to maintain expensive For they but follow where he goes Before: And speed their way what'ere they will, in administrative work in Cuba will His patient spirit leads them still, Through valleys where the south wind blows not only fall of its immediate purpose Neath shining peak's cternal snows.

> For he who wields the lowly hoe, Forsouth, is brother to the learned one

For truth. The duller light winnin his brain May need but touch of "Magic Chance," To fling world-wide his humble name On flying wings of circumstance -William Franklin Johnson, in Pittsburg

Members of Legislative Body.

While a senator is primarily a representative of an organized political constituency, representing the government of a sovercism state and possessed with high executive functions, be at the same time is a member of a logislative body, and, as such, under broad interpretation of the duties and functions of a member of such a body, represents after his entrance into this senate not alone the state which has sent him here, but the people of the United States; and he has imposed upon him the duty to represen them conscientiously and faithfully; while the people, also, have a right to took to him a well as to their own representatives and hav an equal interest in having the senatorial post tion filled. When we contemplate the rapidit of our growth and the vast population which will in the lifetime of many of us occupy our domain the far-seeing statesman can not fail to realize the importance of exercising every precaution calculated to maintain unimpaired all of the co rdinate branches of this government as estab ished by the constitution

It is somewhat remarkable, as I have already stated, upon a study of this question to develop the fact that the progress of interpretation of this provision of the constitution regarding the senate of the United States has been continually in the direction of a carrying out of this para mount purpose to which I have referred, and which must be obvious to all. Step by step this progress has been met by the narrow, technical, and re-actionary apirit which has exhibited itself in other branches of constitutional development. Every word in the two clauses above quoted has been interpreted and even strained to carry out this purpose against opposition of this char acter. One of the last points left for this reac tionary sentiment to contend over is this que tion of the validity of executive appointm As we proceed to interpret the meaning of the constitutional provisions relative to the senate let us also consider how these words have been interpreted with the paramount object in view of facilitating the election of senators and promoting the purpose of maintaining the integrity of the senate. Two striking instances are found in the very next words of the clause.

The very next words in clause 1 of section 2 oming after those already quoted and explained namely, the words "chosen by the legislature hereof, for aix years," have been interpreted not as their strict and literal meaning would how cate, but with a liberal, reasonable, and tair

promise of becoming at no distant day the sca of empire. At the same time the fact can no be forgotten that a state like Pennsylvania with some seven million people and with thirt representatives at the other end of the capitol 434 Lackawanna Avenue s here in this senate placed on an inequality with other states which may have but one, or thr representatives in the house.

That such a penalty should be inflicted upor our people for no fault of theirs is unjust an unsufferable. To atticing to assert that a state must suffer in this way by partial representation simply because a state legislature, through cause absolutely beyond the control of the people of the state, and even beyond the control of the legislature itself, failed to elect a senator, and that the state must therefore go but partly represented, is a proposition that will not be toleated by practical men, however such refinemen may delight the student and the lawyer; and the inconvenience and the injustice become all the more intolerable when it is felt that the co stitution has provided ampla means to insure to the state full representation. Great communities and great interests will not long permit their rights to be frittered away and imperiled by arguments of this character.

[To Be Continued.]



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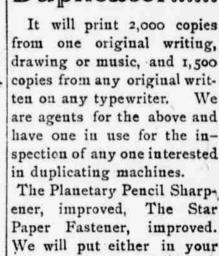
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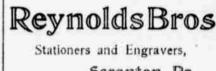
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"Everybody in this neighborhood can tell you that they thought I was good for a funeral before I commenced taking R'I'P'A'N'S. Now look at me. Don't look much like I am going to croak, do I?

"Well, I don't know the fellow that got up Ripans, but whoever he is he is entitled to a monument."

ontaining two uppers tanguas in a paper carton exerts. This how priced cort is intended for the (120 tabeles) can be had by much by settling for street, New York, or a single carton (TRN TAD

Who searches through the ages gone Governor General Wood, for exam ple, draws \$7,500 pay from the United