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The Scranton Tribune

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TEN PAGES.

SCRANTON, APRIL 26, 1900.

FOR VICE-PRESIDENT, CHARLES EMORY SMITH.

OF PENNSYLVANIA.

REPUBLICAN NOMINATIONS.

State Congression at Large - GALUSHA A. GROW, ROBERT R. FOERDELER, Auditor General-E. B. HARDENBERGH.

Legislative.

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

Charles Emory Smith ought to be nominated for vice-president at Philadelphia and we are still hopeful that he will be.

The Convention. TE ARE FRANK to say that we do not believe as heartily as some in

the direct election of United States senators by the people, The intent of the men who drafted our constitution, as has been well said. was "to furnish a restraint and check upon the tyranny and mutability of opinion of popular majorities, as represented more closely in the house of representatives;" and they sought, and upon the whole with success, to effect this purpose by vesting the election of senators in the state legislatures, tribunals supposed to be in some degree removed from the passion and excitement of public clamor. The sentiment for a change from this method to the direct election method is a superficial and transitory one, intensified by few exasperating current incidents is the choice of senators by legislative assemblies which illustrate exceptions to a well-working general rule. It is another case of a system, which is entirely adequate in itself, being blamed for the faults of human nature; and if direct elections were to occur, we dare say that it would not be long before men addicted to professional criticism and clamor would find sufficient ills in the popular vote system to justfy a

crusade for some new experiment. Nevertheless, in view of the presen dimensions of public feeling in favor of the popular election of senators, and since a particular faction in this state has pretended to desire the taking of the Pennsylvania senatorial issue directly before the people 1.31 plank on this subject introduced yesterday in the Harrisburg platform will be received with favor. By all means let the people have every possible opportunity to impress their will upon the factions. The latter certainly need to be in closer touch with honest public opinion. Yesterday's nominations, especially those of Senator Hardenbergh and Galusha A. Grow, are not only locally gratifying, but will also command the party's most cordial support. Mr Foerderer, the Philadelphia manufacturer named for congressman-at-large. has not yet made the acquaintance of the people of the state, but his record is good and his indorsements deserve respect. The convention's work as a whole will be accepted as satisfactory as far as it went, and that it did not go farther was due to causes not wholly under the convention's control. As for the convention's indorsement of Colonel Quay it must be remembered that he is still the exponent of party regularity.

bution of the \$2,000,000 gift from the United States believe that they are by messenger or postal service when being intentionally oppressed by this they decide which side is entitled to government. their consideration.

General Kyd Douglas has hastened to make a statement that the poem of ordinary powers of observation that on Barbara Frietchie was all a mis- the clique of discontent continues the take; and that Barbara did not wave Urade of criticism in reference to the the gag as stated in the verses penned policy of our government towards by Whittier. The explanation of Gen- Porto Rico, in spite of the explanaeral Douglas has doubtless been pre- tions which have been made proving pared with care and bears the stamp that our new possessions have been of sincerity, but it is evident that the treated with the utmost generosity. general overrates the anxiety of the The wail of sorrow over the woes of public upon the subject. Most of our Porto Rico comes from a class that is readers, and especially those who in prepared to weep at any imaginary evil days of youth have recited the poem so long as their lamentations can be at school exhibitions, would prefer to regarded as a reproach to the adminishave remained in ignorance rather tration at Washington.

than at this late day be confronted with proof that the heroine of the beautiful poem was a myth.

A Lesson In Expansion.

THE ANNUAL report of Lord Kromer on the state of Egypt has just been published as a parliamentary

document, and furnishes information that is of the utmost importance as indicating the advancement of inferior races under the tutelage of the superior, These reports have told one story for years-a story of fiscal betterment and social improvement; of increased revenues under less burdensome taxation; of industrial prosperity and individual happiness and safety They are of special interest to Americans on account of the light cast upon questions growing out of the polley of expansion that has been forced upon

our nation. India is the largest example of Brit ish imperial administration, but India, as the New York Commercial Advertiser notes, is an bulk, in which improveawful ment is slow, and it is remote from all vision but that of science and romance Egypt lies at the threshold of Europe is not too large to be grasped with a firm administrative hand, and is more ety. plastic to industrial manipulation that the immovable cast. The affa is of Egypt are as free from party politics as those of a great corporation, and Lord

Cromer, formerly Sir Evelyn Baring, has had more or less control of its fiscal affairs since he went there as commissioner of the English debt in 1877. He took his part in the ridiculous

dual control, returned as consul general when it broke down, warned against but could not avert the shameful tragedy of Gordon, safe-guardei British interests in the financial crisis, engineered the revolution and the suppression of the counter-revolution, and financed the Khartoum expedition. No man could well have had such a long and continuous career of service or se

free a hand in a British colony. We are learning already that it is easier to administer Cuba, where we have no political responsibility, than Porto Rico and the Phillippines, which are American territory.

The salient feature of this year's report is a revenue of over £11,000,000 and a surplus of over £400,000. This is in a country which was bankrupt less than a quarter century ago, and in which there has been constant remission and reduction of taxation through all that period. This does not seem the marvel it would have seemed a few

Europe

march

control

In

stimulus of a good example.

more than expressions of sympathy

It is not at all surprising to persons

Rev. Mr. Dixon, of Stroudsburg, some time ago prayed for lightning to strike the brewery in that city. His prayer was answered the other day, and the bolt of electricity that hit the building came very near killing the two song of a Methodist minister in that vicinity and two workmen about

the place. The people of Stroudsburg are now anxious that the Rev. Mr. Dixon be a triffe more specific in his supplications in future.

General Lew Wallace contends that there are two sldes to the Turkish question. As General Wallace has been in position to know, his statement is entitled to a hearing. His intimation, however, that the Turkish government is not responsible for the loss of property destroyed by subjects of memory must have become impaired.

No cannon crackers are to be allowed in Washington on the "ever glor-ous." There is no question that this nil, by temporary appointment, the same kind ous.' There is no question that this order of arrangements could be adopted all over the country with beneficial results for all save the doctors. The cannon cracker is not only a nuisance but a menace to public saf-

An effort is being made to stir up another "embalmed beef" agitation, owing to the fact that canned roast eef has been recently shipped to Manila, Without Mr. Eagan, however, it is not likely that an embalmed beef controversy can become real warm.

Penrose in Behalf of Mr. Quay

[Continued from Yesterday's Tribune.]

As already explained, the vacancy happens; exists; it is an actual condition. The rec-gnition is distinctly made that senators can esign, and in the case of all other vacancies, ppointments may be made. The actual condition of the vacancy continues during the re-cess of the legislature, whether it begin while the legislature was in session, before the legslature ever met, the day of its final adjournneni, or after such final adjournment. What bleet could the framers of the constitution have had to restrict the governor to filling vacancies only when the vacancy originated or began in ss and not to include a vacancy which began before but continued into the recess, and while every word and act of theirs in debate not in every word of the constitution would indicate their paramount purpose of providing

words of this much disputed

FERINAND W. PECK.

Just at present is trying to get fro Ferdinand W. Peck, United States co general to the Paris exposition, a detailed ac ount of the \$240,623 which he has so far spent for expenses connected with the exposition. Mr. Pack is in Paris at present and the pleture we present of him is his most recent one.

happen "by resignation, or otherwise" and which the executive has the right to fill by executive appointment. The word "such" is defined by the Century Dictionary to mean-1. Of that kind; of the like kind or degree;

like; similar. 2. The same as previously mentioned or speci-fied; not other or different.

So that when the word "such" is used before the word "vacancies" in the latter part of the clause, it means the same kind of vacancies menthe sultan, indicates that the general's tioned in the first part of the clause in reference to executive appointments. It therefore appears that there can be no vacancy filled by executiv appointment. It is admitted that the legisla appointment. It is admitted that the legisla-ture can fill all vacancies, no matter how created, of vacancies. The vacancies to be filled by ex-ecutive appointment are as broad as the vacan-

cles which can be filled by election. In other words, the constitution of the United States clearly intended to create a senate, and to have a senate implies that the membership of that senate shall be represented in full, in every

principle of justice to the people and protection to the smaller states. To provide for the crea-tion of that senate it was distinctly declared that the senators should be chosen by the legis-atures, and in order to meet every possible emersency of partial representation, or, perhaps, an absence of representation the constitution created two methods of constituting senators, namely, by lection for a full term or the remainder of a term and by temporary appointment. mer was vested in the legislature of the state ad the latter in the governor. The powers of each are separately and distinctly given; they are independent powers. The governor bus nothing to do with elections; the legislature has nothing to do with temporary appointments, The legislature is to elect and the governor is o fill temporarily vacancies, however occurring, and by these two means the self-evident purpo of the constitution in creating the senate is t be accompliabed-that the senate should be kept filled. Any other interpretation is not to carry

suf, but to defeat the constitutional intent. To argue that the constitution, which created a senate and exercised every precaution that the states should be fully represented, meant to de-prive a state of a senator and take from the governor his power of temporary appointment, merely because the legislature failed to elect, is to maintain that the framers of the constitution intended to punish not only the state which might be involved, but all the people of the United States, by reason of such restriction. There might be some ground for apprehension if the governor appointed for the balance of the term, but his appointment is only at the most for a few months, a temporary appointment expressly provided for in order to prevent an inconvenient chasm in the senate, the integrity of that it might be kept full. They could easily have used the phrase "If vacancies should begin or originate in recess," and their meaning would have been clearly defined. ernor, therefore, creates a senatorial commissio of force and validity and authority fully equal to an election by the legislature. In fact, as already observed in reference to the method of balloting for senators, the governor is a con stituent part of the legislature of a state. It s true that he is not included in state constitu He tions under the article on the legislature, but under a separate article on the executive; but that is because his executive functions form a distinet branch of our system of government and require a separate article. The fact remains, how-ever, that his approval is needed to every act of the two houses of the legislature grand, sweet song. CONSTITUTIONAL REGULATIONS. The tendency of modern constitutional regula song.-Chicago News. tions, indeed, has been to increase still further his position and influence in the extension of the veto power, so that its exercise has assume the character of actual legislation. A striking illustration of this extension is the power given to the governor in many states to veto an item in an appropriation bill, instead of being restricted, as heretofere, to the approval or dis approval of the whole measure, thus giving the governor more power over the disbursements of the state than either or both of the two hous of the legislature. So important is the governe in the co-ordinate branches of the legislature that he has generally come to be looked upor Journal The temporary appointment by the people as a protection against the legis lature, which frequently is corrupt and con-trolled by corporate or political influences. Where pointment until the meeting of the likere are many men responsibility is divided But the atriking point is that the and one man can have concentrated upon him the responsibility for bad or unpopular public acts liberal sense not to be confined to the day of the meeting of the legislature, but to continue a legislature as there is about an executive latest scheme is government loans of 10 per cent, to the fellaheen, who are fleeced of 40 per cent, by the usurers, there shall not be an incomplished. There can be only one object for this interpretation of the word "until," and that object is apparent that Upon the executive is concentrated the criticia there should not be an inconvenient chasm in the schate between the first day of the meeting and regarization of the begislature and the period of legislatures by limiting their session to once in progressed that the tendency has been to restrict greater or less extent which must necessarily two or four years, and by taking from them a chapter a senator can be clevied. In the very large part of those general powers which attach to the legislative body as representing Special legislation has been As many matters as may possibly abolished. "Perhaps it would have been as well if the net and literal meaning of the words 'until strumentality of courts have been relegate thereto; while the executive, on the other hand has had his power increased and extended. ticularly is this true in our municipalities, where the concentration of all patronage and power in the hands of a single executive and the fastening upon him individually of the full responsibility for the administration of municipal affairs is : modern tendency of municipal legislaton. Th governor of a state appoints judges, and many other state officers. It is argued that he may

The difficulty involved in the requirement of a majority to elect is that it places the con-trol of the legislature in the hands of one, two, three, or more persons, who, by holding out, are frequently enabled to dictate their own ternas or to prevent the election of a secator

REQUIREMENT OF MAJORITY. I believe that there is a bill now pending be fore congress, introduced by the distinguished senior senator from Massichusetts, which, among other provisions, does away with the require-ment of a majority. While it is to be ad-mitted that certain abuses can arise under the initial that certain ablact can arise tunger the requirement of a mere plurality, such as the pos-sibility that the minority in a legislature might elect a senator where the majority might be divided into two factions, which were unable to agree, yet upon the whole, it would seem as if some method which would permit an election of some kind would tend in the end to the coherence of whatever party might be in the ma-jority in the legislature, and in any event would permit the election of a senator, which is now requently really impossible where three or more arate parties or factions exist in a legislatur ach widely, and at the same time often sincere ly, disagreeing with each other and utterly un-able to come together. There are two other cases in the constitution

in which vacancies are reterred to, and the in-terpretation which has been placed upon the word in these two instances is full of instruction for the construction of the word "vacancies" in connection with the filling of vacancies in the United States senate. Clause 3 of section 2 of

article 2 of the federal constitution provides: "The president shall have power to fill up vacancies that may happen during the receas of the senate by granting commissions which shall expire at the end of their next session." was raised

At a very early date the question was raised whether or not, under this provision of the constitution, the president had the right to fill up a vacancy that had occurred by expiration of the full term or in any other manner while the sen-ate was in session, which vacancy, not having been filled, continued to exist during the recess

of the senate. The construction placed upon this provision by numerous attorneys-general of the United States and by the courts very largely aids in arriving at a proper construction of this constitutional provision authorizing the governor to make temporary appointments. On the ex-piration of General Swartwout's commission as navy agent at New York, while the senate was in session, the president nominated another person to till the vacancy and sent the name to the senate for confirmation, which was not made before the senate adjourned. The vacancy con-tinued to exist during the recess, and the president asked the attorney general whether he had

the right to fill the vacancy by temporary ap-pointment until the end of the next session of the senate. Attorney-General Witt, in a well-considered epinion, held that it was a vacancy the senate. within the meaning of the constitution, and that It could be temporarily filled by an appointment by the president. In this connection he dis-cusses the use of the word "happen," and says,

among other things: "The doubt arises from the circumstances o its having first occurred during the session of the senate. But the expression used by the consti-tution is 'happen-all vacancies that may hap-pen during the recess of the senate.' The most natural sense of this term is 'to chance; to tall out; to take place by accident.' But the expreasion seems not perfectly clear. It may mean 'happen to take place'-that is, 'to origi nate," under which sense the president would not have the power to fill the vacancy. It mean also, without violence to the sense, pen to exist,' under which sense the presiden would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me the most accordant with the letter of the constitution, the second the most accordant with its reason and spirit."

The attorney-general goes on to say:

"This seems to me the only construction of the constitution which is compatible with the spirit, reason, and purpose, while at the same time it offers no violence to its language. And these I think are the governing points to which all sound construction looks. The opposite con struction is perhaps more strictly consonant with the mere letter, but it overlooks the spirit, reason, and purpose, and, like all construction merely literal, its tendency is to defeat the sub stantial meaning of the instrument and to pro-duce the most embarrassing inconveniences."

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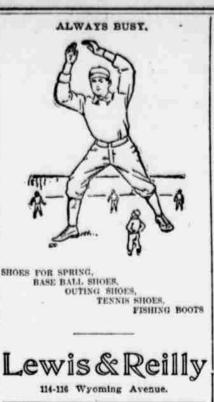
perior to those of any other

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It would be difficult to find anywhere a criti cism more applicable to those who now in the opposition to the gubernatorial right of appoint ment are endeavoring to defeat the substantial meaning of the constitution and produce the most embarrassing inconveniences

[To Be Continued.]



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Those who know least of the real Matthew Stanley Quay are the ones who throw the most brick bats at him.

The Influx of Japanese. ANAGGERATED reports to the effect that Japanese coolies are swarming to this country have aroused much alarm in certain quarters, and have also started a report that the Japanese govern ment is about to take steps to protect the United States from the threatened invasion of cheap labor. The motive ascribed for this decision on part of the Japanese government gives credence to the report, which comes by way of Washington. The decision, It is said, has nothing to do with solicitude

for our comfort or well-being, a fact which entitles the report to more credence than it would otherwise receive. The coolies have come to us, it seems, under what the home government believes is a delusion that this is land overflowing with milk and honey of large opportunities, a delusion that has been fostered by rival emigration societies eager to make records. What the Japanese government has in mind, therefore, is to restrict emigration, not in our behalf, but to protect its own subjects from the impositions of that form of urgent philanthropy which aceks its objects by getting rid of the so-called heneficiaries of its labors. There is an intimation in the despatch, however, that Japanese national pride has something to do with this paternal anxiety. as the announcement of what is intended is accompanied by an expression of disgust at the thought that Japanese coolles should run any risk of being treated by us on the same basis as the coolies of China. The Japanese immigrant, the government would have us know, is as good as any other, barring those of its nearest

neighbor.

years ago to Americans, who see what vorks of sanitary reform and public "The executive thereof may make temporary

apointments until the next meeting of the leg-lature, which shall then fill such vacancies." mprovement Wood and Davis are carrying on in Cuba and Porto Rico with tr will be observed, in the first place, that half the burden of taxation Spain lev-"May" make these appointments esecutive ied to support a decaying church and is not mondatory mon the executive, se supposed to use his reasonable discretion useless army. The surplus would be th exercise of his power. It was presured about a million more but for the sinkthe framers of the constitution that if the ing fund requirement imposed by egislature should happen to meet very soon the international control. This now after the occurrence of such a vacancy the power might not be exercised. In the interpretation placed upon the words "until the next meeting mounts to about £7,500,000, which the international commission will not perthe legislature" we have another striking fi-strution of the filteral construction which has mit to be touched for any other pureen put upon this part of the constitution in rder to keep the senate full. Technically speakpose, though Egypt, under English control, is as solvent as any country in ng, the words "until the meeting of the legis-

ture," taken in their narrowest sense, would Husbanding of the revenues is only man until the day the legislature meets, and then the question might well be raised as to whether this restriction of time applied to the part of the service the English control has done Egypt. Every year sees an period during which the temporary appointment would go or defined the period during which the expansion of its administrative activity into new channels. The country is governor might exercise the power of appointbeing gridironed with railroads, for It can be assumed that as far as the light and heavy traffic, the telegraph applies either to the governor's power

s almost omnipresent, and both state temporary term, it can be construed to to the railways and the postal service, which apply to both. asts until the meeting of the legislature, and includes telegraph, show a revenue the governor, of course, can only exercise the surplus. This year was the lowest of appointment until the meeting of the Nile on record, but there was no sertous distress, and the great project for a word "until" has been interpreted in its most dam at Assouan promises control and equable distribution of the river flow

through the session of the legislature until the fleeced of 40 per cent, by the usurers, His justification for this paternalism, scate between the first day of the racting and which is only experimental so far, is what the government does not do in Egypt is not done at all," and the opcase of Samuel S. Phelps, the minority report of attach to the leg the committee, which was finally adopted, depression of the fellaheen by the money. lenders is as old as Pharaoh. This maxim seems to be the root of all the

truet and literal meaning of the words 'until strange and beneficent activities of the next meeting of the legislature' had been observed on the first occasion in which their Lord Cromer's government in Egypt. onstruction was brought into question; that ould have had the merit of certainty, but a The good showing made in reports of affairs in Egypt is a cheering eviertainty that might have been too severe for dence of the beneficial results of the of the beneficial results of the the trae and likeral intensinent of the framers of the constitution. They certainly did mean to say that the executive appointments should ter-netnate when legislative jurisdiction shall com-mence or be exercised. To give this severe congratifying to those in of the government 30 the United States, since it supplies the struction to the words quoted would in all cases leave a state unrepresented for a time and dependnt on legislative action. Rather than hold to that The fact that the oleomargarine dis-

esult the senate, under the precedents quoted, cemed to have regarded the 'next meeting of the cussion has at last reached congress gislature' as synonymous with the next assion if the legislature, during which time the memand is liable to result disastrously to ber under exentive appointment might hold his teat, unless it should be filled by an election bethe olco interests, is due to the cuare the termination of a session; and this was probably an analogy to that providen of the fed-eral constitution by which power is vested in the president to fill up all varancies that may hapen during the recess of the senate by granting commissions which shall expire at the cad of heir next session." was thought at the time that the senate

cent very far when it gave an interpretation to the words referred to beyond their literal mean-ing limiting the term to the day of the meeting of the legislature This construction met with decided opposition from a respectable minority, the construction put upon these words is a striking illustration of the thought paramount in the minds of all, that the great purpose of the constitution must always be kept in view, hat the senate should be kept full-always full.

FILLING VACANCIES. What vacancies can the legislature fill at its ancies that the executive did fill or could have filled by temporary appointment. This is clearly indicated through the whole context of the provision in reference to the filling of vacancies and especially by the use of the adjective "such." What successive are meant by the words "such

appoint a favorite to the senatorship. He is no nore likely to appoint a favorite to the senato ship than to make any other important appoint ment for the same reason. As a rule the gov ernor will represent a majority of the people and in most cases a majority of the legislatur It is said that a clique may hold up the legisla ture in order to throw the appointment into the hands of the governor, but, as a matter of fact the power of a clique, under the act of con gress of 1806 providing for the election of sen ators by requiring for such election a majority of all the members of the legislature, is directly

promoted by the provisions of this act. In this connection I will state that in my opinion a large part of the difficulties encou tered by legislatures in ceming to an agreement upon the question of electing a United State senator arises from that provision in the act of 1895 which resultes a majority of the whole leg islature to elect a sensior. In abnost every other branch of our political system a plurality is sufficient to elect. A plurality of the citizens sufficient to elect. A plurality of the citizene clocks the members of the legislature themselves, the governor of the state, and all other officer-it would seem as if a plurality would be suff cient to elect a senator by a logislature. act of 1966 was a compressive upon the original intendment of the constitution. It would seen as if a senator must be chosen as a logislative act, and it was consequently provided that the first effort to elect should be made by the two

houses separately. Then the scheme of a joint ballot was adopted as the only practical way to accomplish an election after each house had acided to cast a majority for the same person in

EVERETT'S LIVERY It will be difficult to make the Porto Ricans who participate in the distri-them that it will be useless to attempt what further them that it will be useless to attempt for the part of the clause; that is, vacancies that is vacancies that



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She believes that they saved the life of her son, a boy of twelve, who had been taken sick with what the doctors called liver trouble and catarrh of the stomach. She says that after treating him a year, without doing him any good, the doctors gave him up to die. About that time his uncle, who had had experience with Ripans Tabults and found that they had done him much good for cataryh of the stomach, insisted that his nephew should try them. After they had been taken two months, according to directions, the boy was able to go to school and four months after he began taking them he replied to an inquiry: "Why, I am just as well as ever I was."

pidity of the oleo dealers themselves. If the manufacturers of tallow butter had been content to sell the article under a proper title instead of offering it as pure butter, much litigation ould have been avoided. The class of buyers who are convinced that oleo a harmless and nutritious is large enough to make the business profitable without the aid of trickery to increase

the sales, The Infimation from South America that comes by way of Galveston. Texas, to the effect that the assist-

ance of the United States will be expected in the settlement of the troubles between Peru and Chill, will not be apt to arouse much enthusiasm from the hurrah party of peace. The failure of the agitators to induce this

government to take a hand in the