

No other aid so great to the housewife, no other agent so useful and certain in making delicious, pure and wholesome foods, has ever been devised.



There are imitation baking powders, sold cheap, by many grocers. They are made from alum, a poison-ous drug, which renders the food injurious to health.

**OPINION IN THE** 

[Concluded from Page 3.]

THE MATTER OF TITLE.

ROYAL BAKING POWDER CO., 100 WILLIAM ST., NEW YORK.

and Duryca extensions, there is a con-

tinuous trolley system from Forest

City to Nanticoke, a distance of about

### LIVE NEWS OF THE INDUSTRIAL WORLD

WORK BEGUN ON THE SCRAN-TON STREET SEWER.

Striking Miners of the Mt. Pleasant Colliery Are Given the Preference. John Jermyn Interviewed in London on the Coal Trade-Apartments of the Car Accountants Have Been Moved to Rooms Over Horan's Clothing Store-The D., L. & W. Board for Today-Other Notes.

Contractor M. J. Gibbons, with a force of over fifty men, began work on the Scranton street sewer yesterday morning, and later in the day WAGE augmented by a half

Could Supply the World. The Philadelphia Press yesterday

ontained the following interview with John Jermyn, of this city, cabled from London, where Mr. Jermyn is now sojourning:

question. The act has stood on the statute book without challenge for nearly a quarter of a cen-London, May 13 .- Mr. John Jermyn, of Scranon, Pennsylvania, one of the largest dealers in nthracite coal, told your correspondent today hat the United States is able to resour Engtury, and millions of dollars of school funds have been collected and disbursed under its proisions. While these are not reasons for refus and from the present coal famine and, if neces-ary, supply the whole world. Mr. Jermyn said: ing to declare it void, if in the contravention of the constitution, yet they are strongly per "Great Britain's extremity is America's op-ortunity to demonstrate its own boundless re-airces. Present conditions in Great Britain suasive that the act is not so clearly unconsti-tutional as it should be shown to be to make ur duty now to set it aside. Sugar Notch bor wan dat die United States coal export is likely o receive a remarkable impetus. If the situaough 192 Pa. 349, 358. tion here is as strained as reported, importation

inevitable.

Objection is also made to the act on the ground that its title gives no indication of its contents in regard to school districts. The case European countries have already been forceto invade the United States in order to supply their own necessities in the way of a coal supwas argued and treated both in the court below and here, as resting or the act of 1574, and for ply. England can expect no relief at their ands. It is not impossible that has coal famine vill open England's eye to the superiority of nince has been so considered up to this . But with reference to this second obpoint.

THE SCRANTON TRIBUNE-TUESDAY, MAY 15, 1900.

nor fair to set down the continual efforts to escape the constitutional prohibition, to the perventity of the people or the wilfulness of the legislature. On the contrary, they dowonstrate the deep seated and general discontent upon the part of the municipalities of the state with the restrictions imposed by the constitu-5 Annual Rep. of Pennsylvania Bar association, 137.

Undoubtedly many acts have been passed whose framers were astute to cvade the constitu-tional prohibitions. These the courts have alwhere framers were astute to evade the constitu-tional prohibitions. These the courts have al-ways unhesitatingly struck down, and may safely be relied on to continue to do so. But where the legislative intent is not to evade the re-strictions the courts are not required to be astute in extending them over cases not replay within the evil prohibited, though the form may have the appearance of coming within the literal words of the constitution. A very signal like-tration of this principle is found in city of Reading vs. Eavage, 120 Pa. 106. The act of May 23, 1874, section 57. P. La 200, authorized cities of the third class, by ordinance of coun-cils, to accept the act, and thereby acquire the powers of a city incorporated under the act. The City of Reading having passed such an  $\infty$ -dinance. field a municipal lien for grading, etc., and its authority being disputed, the court be low held that section of the act unconstitutional on the ground that the act was not binding on ow here that section of the average of hinding on all cities of the class, saying: 'It is the com-pulsorily binding character of the law upon all alike in the classification that gives it constitu-tional life." On appeal this was affirmed per curtam.

WAS LOCAL IN FORM. That section of the act was local in form, as it did not apply to all cities of the class, and the court took this view.Doubt having arisen, however, the court ordered a re-argument arisen, however, the court ordered a re-argument and reversed its first ruling on the ground that the act of 1874, being a general act for the inters incorporation of cities, the provisions of section 87 allowing cities of the third class already existing to come into the centeral class did not in any way make the act ocal or special, the present chief justice saying offics "that do not embrace the opportunity simply remain as they were before, and all that do embrace if they were before, and all that do embrace become members of the class \* \* \* regulat by general law. There is no possibility of any elevine of powers or privileges conferred by the fiftyenth section which can work affirmatively a local special result. Whatever is fone by vi this section simply converts that which or might be local or special into that which is general." City of Reading vs. Savago, 124 Pa 325, 336. Other illustrations will be found in 325, 336. Other Illustrations will be found in Evans vs. Phillippi, 117 Pa. 226; road in Chelt-enham. 140 Pa. 136; and Bennett vs. Norma, 171 Pa. 231, particularly the remarks of Rice, P. J., on statutes local in form, but not in intent violative of the constitution, pp. 230.7. It may therefore be taken as settled law that in cases of this character the courts will look beyond the mere form of the act, and examine its form birst and offset in the limit of the its true intent and effect, in the light of the purpose of the constitutional restrictions. Judgment reversed and judgment catered for defendants (appellants), with costs.

One Fare to Washington, D. C., and Return via the Lehigh Valley Railroad, Account Imperial Council, Order of Mystic Shrine, May 22nd to 24th, 1900.

Tickets will be on sale May 19th, 20th SCHOOL BOARD CASE and 21st, from all stations, Phillipsburg to Buffalo, inclusive, including branch line points, limited for return passage to May 28th, inclusive, thus af fording one week's stay in this beautithe third class (cities of the first and second classes having already their own peculiar sys-tem) are wise as a legislative, not as a judicial ful city, a trip to which at this season of the year is particularly delightful. Tickets will be honored on any train, except the Black Diamond Express. For additional information consult Lehigh valley railroad agents.

Mayflower in Commission.

lers went into con today.

Headache



SCRANTON'S SHOPPING CENTER.

# A Most Uncommon Offer of Stylish Wraps for Women

This announcement tells of the excellently tailored Jackets and Coats from our own carefully selected stocks, a portion of which are imported from best Paris makers and those bought on this side are from American makers who produce the highest character of workmanship. The offering includes Eton. Valoro, Fly-Front and Reefer Jackets, as well as Top Coats. Materials are Broadcloths, Kerseys, Cheviots, Covert Cloths, Taffeta and Peau de Soie Silks. Some are plain, but many are stylishly trimmed. Today's reductions make the

# Most of Them Half, Others 1/3 Under Price

And these concessions are from our own regular prices that were already quite low. In actual figures this means

# Excellent \$10 Jackets for \$5. Others from \$7.50 to \$25.00.

The regular selling prices on these run up to \$45.00. The quantities are large, selection is very wide and sizes quite complete. Such an offer might be expected the latter part of June; it is quite extraordinary for the middle of May.



hundred more men, who took up the pick and shovel with much eagerness. The workmen are all employes of the Mt. Pleasant mines, who went on strike some time ago for an increase in wages. They were given the preference at the work and were glad to get a chance to earn a fair day's Vages.

The work was begun at the foot of the hill, near the river, and will be pushed rapidly to completion. The sewer is to be 4,500 feet in length and will extend from the starting point to Main avenue, with branches on Seventh. Ninth, Tenth, Chestnut and ommodity, Jackson streets. David Sanford has been appointed the inspector, and P. J. McCann and Thomas O'Brien are on Mr. Gibbons' bond for the successful completion of the work. Contractor Gibbons has also secured

the contract for the construction of Section B in the Fifth sewer district which will be 10,470 feet long, and will take in North Main avenue, Dean street, Providence place, School street, Edna avenue, Depot street, Pond street, Kennan's street, Weston place. Spring street, Margaret avenue, Hollister avenue and Belmont street. The Mt. Pleasant employes will also

be given the preference on this job.

#### Car Accountants Removed.

The Lackawanna car accountants office and clerical force was removed on Saturday to the third floor of the Henwood building, on Lackawanna avenue, over Horan's clothing store The room is large, well-ventilated and lighted by electricity and is well adapted to the needs of the department

The quarters over Hanley's restaurant at the Lackawanna station, vacated by the car accountants, will be fitted up for offices at once. Part of the room will be occupied by Superintendent Daly and his clerical force from the transportation department. and space will be reserved for others who are now crowded in the main offices.

General Superintendent E. G. Russell and force, who were located where Mr. Daly's office and clerks are now, prior to their removal to New York. will again be located in these rooms as soon as they are vacated, which will probably be in a week or two.

#### New Extension Opened.

The new extension to Duryea on the Scranton Kallway company's line was opened under very favorable conditions yesterday morning and an increase in traffic was perceptible all through the day. The first trip was made at 5 a. m., and the car was bedecked with an American flag and carried several of the officials,

It is expected that several of the new vestibuled, air-braked. doubletrucked cars recently ordered will be run on the Duryea line, which will afford a delightful ride through some of the finest scenery on the company's lines

By the opening of the Carbondale



ection, it is important to remember that th nthracite over bituminous coal for domestic uses. The result of this enlightenment will be that more bituminouus coal will be demanded for the act upon which the case rests is the pet of June 16, 1801, F. L. 306. It is true that it is as it purports to be, an amendment of section 41 of the act of 1874, but it is a substantial renation's naval, railroad and industrial require "It is the case, however, that the United States could not next such a demand for an-thravite coal. The authracite fields of the United

States are by no means too productive for hon Coal prices are the stiffest over known in th inited Kingdom. This condition of affairs he evien rise to a suggestion that parliament takhe kingdom. A meeting of the associated coal perators will be held this week to conider the advisability of a further advance five shillings (\$1.25) a ton, in the price of their

D., L. & W. Board for Today. Following is the make-up of the Delware. Lackawanna and Western board for today:

Monday, May 14. WILD CATS SOUTH. T. Fellows. I. Gerrity, J. Burukhart, -A. J. Widener,

WILD CATS NORTH. Fitzpatrick. O'Hara. 10 p. m.-8, Carmody, 11 p. m.-E, M. Hallett. Tuesday, May 15th

WILD CATS. SOUTH.

0 a. m.-W. D. Warfel, m.-A. Gerrity, m.-E. Castner, Castner,
-G. Rafferty,
→A. E. Ketehan
v.→H. J. Larkin,
P. Singer .--P. Singer. m.--P. J. O'Malley, .-J. W. Devine. SUMMITS. a. m., south—S. Finnerty,
30 a. m., north—G. Frounfelker,
9 a. m., north—W. H. Nichols,
p. m., south—McLane.

PULLERS 10 a. m.-Labar. PUSHERS, a. m., south-Hammitt, 1.30 a. m., south-Moran, p. m., south-Murphy, 0 p. m., south-C. Cavley. PASSENGER ENGINES. 130 p. m.- Metiovern WILD CATS, NORTH, m.-W. B. McAllister, m.E-W. A. Bartholomew, 1.30 a. m.—R. W. Peckins, i. p. m.—M. J. Rowe, with W. H. Bartholomew'

men. 3 p. m.—John Gahagan. 1 t5 p. m.—C. Kingsley

F. F. Stevens, with two of J. F. Stevens' men, will take 0.30 a. m. work train at Scranton, May 15th; flagman and middleman.

#### This and That.

A new ash pit is being constructed n the Lackawanna yard, which will facilitate the cleaning out of engines with much more rapidity than the old

John E. Welsh, traveling freight and passenger agent of the Ontario and Western railroad, was in Carbondale yesterday in the interest of his company.

W. E. Thayer, contracting freight agent of the Central Railroad of New Jersey in this city, was in Honesdale yesterday, arranging for a through reight service between Scranton and Honesdale.

G. M. Lowe, of the Lackawanna car ccountant's office; will leave the latter part of the week for Hot Springs, firginia, to attend the annual convenof the International Association of Car Accountants. Upwards of 200 delegates will attend the session, which will be held from Monday to Thursday, inclusive, and representatives from all the railroads in the country will be present.

nactment with some changes, and is a complete dependent and self-sostaining statute, and its title, an act to amend the forty-first section (c., "in respect to the representation in boards of school controllers." etc., gives explicit notice of the subject intended to be legislated upon. Counsel for appellant have referred us to sev ral decisions in other states upon substantiall similar constitutional provisions, and they ap-pear to be in cutire harmony with our views berein expressed, but it is not necessary to do nore than refer to them in this general manner. In deference to the importance of the question and the elaborate opinion of the court below. the writer has carefully re-read and compared all of the numerous decisions of this court on e restrictions contained in article 3 of the institution. Our present views are not in confliet with anything that was decided in any of them, though occasional expressions are to be met with that indicate some uncertainty and perhaps even some variation in the views of the writers of the opinions. This was to be expected. The constitution of 1573 was a new departure in the history of the law. Instead of being con-fined, in accordance with the traditions of American institutions, to the framework of the

government as composed of general and fundamental principles, it was converted into a bind-ing code of particulars and details, which had previously been left to the province of ordinary legislation. And the ruling motive with which we are now specially concerned was profound distrust of the legislature.

PATH NOT CLEAR. As pointed out by Brother Dean in Perkins vs Philadelphia, 156 Pa. 554, article third contains ixty specific prohibitions of legislation, besider other restrictions and regulations not absolutely prohibitory, Through these the pathway for ionest and desirable and necessary laws even yet not always clear, and it was inevitable that there should be some uncertainty and even d vergencel rom the views of judges thus forced to enter on an untrodden and difficult Geld. But, as already said, there is no conflict between what we now hold and anything we have here tofore decided. And the only case which is in apparent opposition is Chalfant vs. Edwards, 173 Pa. 246. That case was rightly decided on its facts, as was shown in Sugar Notch borough, 192 Pa. 349, 357, but much of what our late Brother Williams said in the opinion was by way of historical review of the public school system, rather than of discussion of constitutional pow-ers, and the authority of the case must be strictly limited to what it decided. So limited, it is in line with all of our cases on the subject, including the present. The evil at which the prohibitions of article third were directed was the interference of the

legislature with local affairs without consulting the localities and the granting of special privileges or exemptions to individuals or favored lo-calities. It was said by Sterrett J. in Ayar's Appeal, 122 Pa. 266, that "during the session of

the legislature immediately proceeding the adop-tion of the present constitution nearly one hun-dred and fifty local or general laws were enacted for the city of Philadelphia, more than one-third that number for the city of Pittesurg and for other municipal divisions of the state about the same proportion. This was by no means ea-ceptional." A cursory examination of the pamphilot laws of 1873 shows that no less than thirty

one of these local laws relating to Philadelphia were acts over the heads of councils and the courts, directing the opening, paving or vaca-tion of particular streets by name.

#### DIFFICULTIES OF COURTS.

This is a fair specimen of the kind of local and special legislation that was the real evil to he corrected, but owing to the breadth of the language used, perhaps, somewhat due to the wrathful seal with which the convention attacked the subject, the courts have had a difficult task to enforce the constitutional restrictions fully, even "sternly," as was said in Morrison versus Bachert, 112 Pa. 322, without carrying them far heyond the real evil intended to be remedied, and making them a chain of fetters on the just requirements of special communities and local-ties. In a forcible but very temperat.3's worded report by the committee on local and special legislation to the State Bar association in July, 1859, it is very justly raid: "It is neither safe

all Spruce Street, Scrat d Chron Diseases Nomen an i Children. Nination free. Office For sale in Scranton, Pa., by Matthews Bros. and H. C. Sanderson, Druggists.

## Electric Batteries, Electric Exploders, exploding blasts, Safety Fuse and Repauno Chemical Co.'s explosives