

The Scranton Tribune

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 L. V. RICHARD, Editor.
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When space will permit, The Tribune is always glad to print short letters from its friends bearing on current topics, but its rule 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.

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50 inches	40	24	48
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400 "	12	7	14
500 "	10	6	12

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SCRANTON, AUGUST 22, 1902.

REPUBLICAN TICKET.

State.
 Governor—S. W. PENNYPACKER.
 Lieutenant Governor—W. D. BROWN.
 Secretary of Internal Affairs—ISAAC B. BROWN.
County.
 Congress—WILLIAM CONNELL.
 Judge—A. A. VOSBURG.
 Commissioners—JOHN COURIER MORRIS, JOHN PENMAN, L. E. EVANS, DAVID T. WILLIAMS.

Legislative.
 First District—JOSEPH OLIVER.
 Second District—JOHN SCHUBERT, JR.
 Third District—EDWARD JAMES.
 Fourth District—P. A. PHILBIN.
 Election day, Nov. 4.

The United Mine Workers' should if possible place the muzzle upon the banker editor of The Times without delay. The organization is deserving of a better fate than to be championed by exhibitions of editorial hypocrisy like that of last evening, in which ugly accusations against Mr. Mitchell were quoted. The Mine Workers certainly have reason to suspect that the love of The Times for the laboring man is a bigger humbug than its oft repeated circulation claims.

A Magnificent Record.

IF ANY Republican should at any time be at a loss for reasons for the faith that is in him he will find them in the greatest abundance in the "Republican Text Book for the Campaign of 1902," just published by the authority of the Republican congressional committee. The Pittsburgh Times says the book is aptly prefaced with these words of the lamented McKinley: "You do not have to guess what the Republican party will do. The world knows its purposes. It has embodied them in law and executed them in administration." The contents of the book afford ample evidence of the truth of this declaration. It presents a magnificent record of the recent achievements of the Republican party and of the great benefits which have flowed to the people of the United States because its purposes have been embodied in law and executed in administration.

Under the head of "Protection and Prosperity" are presented facts and figures which show how the business of the country was rescued from the depressing effects of Democratic administration and brought by the enactment of protective tariff laws Republican lawmakers and officials to the highest state of prosperity. The record of the country's business condition under Democratic free trade and Republican protection policies is set forth in a manner which shows the vast superiority of the latter.

Under the head of "Labor" the records of the two parties are set forth in detail, and again the advantage is greatly with the Republican, which is shown not only to have increased the pay of the wage-earner, but also to have enacted laws for his benefit in a manner which is not approached by its rival. The subject of "The Trusts" is exhaustively treated, and again it is made clear that both in the enactment of laws for their regulation and in their enforcement the Republican party is entitled to first place over its rival. An interesting exposition is made in this connection of the fact that trusts are by no means indigenous to this country or the product of its protective legislation, as is so sedulously claimed by the free trade organs, but that they abound in Great Britain, the home of free trade.

The question of the Philippines is discussed at length, and facts and figures are adduced which afford ample endorsement for the policy pursued by the Republican national administration in regard to the islands. The conduct of our army is defended and a deserved tribute paid to the men who sustained the authority of the flag against the efforts of open insurgents in the field and their cowardly allies on this side of the ocean.

The Thirtieth regiment continues to win laurels. The great scores made at Mount Gretna this week are attracting widespread attention and as rifle shooting is supposed to be the chief aim of a body of infantry, it is a deep satisfaction to record the Thirtieth's success at aiming.

A Warm Lot.

THIRTY-THREE police officers were arraigned on Monday before the director of public safety of Pittsburgh for various acts of drunkenness, disorderly conduct and insubordination. The New York police establishment in its palmy days could not hold a candle to the state of demoralization into which the police organization of Pittsburgh has fallen. Director Leslie was naturally indignant that so many of his men were up before him for conduct unbecoming an officer, conduct which these men are called upon to keep in order. One officer after his trial hit the lieutenant who had preferred the charge against him and was held for trial. Another the week before was held in \$2,000 bail for murdering a colored citizen whom he had placed under arrest. A detective who was bringing a prisoner from Canton, Ohio,

permitted his charge to escape. The detective is charged with being drunk although he denies it. The director of public safety says his men are "a warm lot." There is no question about that. It has come to this that there are almost as many charges brought against the police as the police bring against law-breakers.

Such a "warm" place as Pittsburgh with its "warm lot" of officers is not to be envied. There is no city in the country which for its population shows a higher degree of criminality, making every allowance for the exceptional and peculiar conditions that prevail there. This is undoubtedly partly if not wholly attributable to the undisciplined and demoralized condition of the police force. There are no better or more practical judges of the efficiency of a police force than criminals. The criminals of Pittsburgh, a legionary multitude have taken the measure of its disorderable custodians of law and order with metrical exactness.

Divorce procedure in Lackawanna county is often queer, not to say ludicrous. One man and wife have been married to each other twice and divorced twice. To such unhappy ones might be recommended the plan pursued by an Indiana husband, whose wife and himself seemed neither able to live with nor without each other; finally, after a second divorce and remarriage in seven years, they drew up an agreement to the effect that whenever one gets angry first, the other shall have all the property.

Migration of the Fur Seal.

ANY HIGHLY interesting discovery has been recently made in the Eastern Pacific ocean by one of our revenue cutters. A considerable herd of fur seals, has been found on one or more of the Aleutian islands, which lie northwest of Japan. It is believed that the indiscriminate slaughter of the animals on the Pribiloff islands has driven them to seek new breeding grounds. This is quite possible, although contrary to the general experience of naturalists who scarcely ever find that the instinct which leads migratory animals or birds to seek certain locations for breeding or feeding purposes is affected by man's propensity to the ruthless extermination of feral life wherever he finds it. Animals do retreat before change in natural environment. But this is a slow process. There is time, usually, for the evolution necessary to the survival of the fittest and consequently to the perpetuation of the race. When slaughter by artificial methods begins, although the animals become shy, wary, or reclusive, the instinct which leads them to select one situation above others predominates over a tendency, if there is any, to acquire distinct habits of self-preservation, where this is possible, as it is in the case of the seals, just as it was not so in the case of the buffalo.

Yet it seems probable that the herd which has been discovered in the Aleutian islands is not indigenous. This chain of barren rocks has been known to European navigators during the past two centuries without such a discovery being made. The islands belong to Japan. It is impossible that the seals could have been congregated there for any length of time without the knowledge of this inquisitive and utilitarian race, whose fishermen scour these seas at all seasons. It may be assumed then provisionally that the seals are those which formerly bred on the Pribiloff islands. Although these persecuted animals have deserted the stars and stripes and taken sanctuary under the chrysanthemum, we are exceedingly well pleased at the change of allegiance. The Canadian pirates of the Behring Sea will now find their occupation gone. Happily their ruthless lust for pelts had not time to satiate itself in the utter extermination of the fur seal. The animals are safe under Japanese protection. If the Canadian sealers cross the Pacific they will find that the seal wardens of the Mikado will not be so complacent in accepting their misrepresentations or heedless of the illegality of their fishing methods as are those of Uncle Sam.

The swimming pool at the armory is a boon which seems to be appreciated. It is particularly to be commended that women are taking advantage of it and are learning to swim. No more valuable accomplishment can be acquired by any one, and aside from its utilitarian object, it is a graceful and delightful exercise.

Hanna and the Rights of Labor.

SENATOR HANNA'S Chautauquan speech is being widely quoted by the papers which did not join in abuse of him when more active as chairman of the Republican national committee. In presidential campaigns it is fashionable to picture him as a bloated plutocrat with dollar marks all over him. Save Quay, no man has been more abused than Hanna, and no man deserves it less. It is but another case of a great man misunderstood and pursued by ignorant political prejudices. As head of the Civic Federation he is doing more to unite capital and labor, and to promote the legitimate rights of labor, than any man in the land. He is the leading champion of voluntary arbitration and points with pride to the sentiments of honor which actuated the soft coal miners of four great states, who have for four consecutive years faithfully adhered to their contracts, and the better to adhere to them, unanimously refused to strike in sympathy with the anthracite men. Does not this fact open the way to future peace. Why not reach contracts through friendly arbitration, and then adhere to them. This looks like a rational and just settlement to great economical problems.

The annual statement for the Southern Pacific Railway shows enormous gross earnings. The amount in round numbers reaching about \$83,000,000, an increase of more than \$5,000,000 over the previous year. It is proposed to make a bond issue very soon of \$100,000,000 in order to keep additional improvements. This step is to be taken because of the outlook for unexampled prosperity for this great road.

REGISTER IS SUSTAINED

HE HAD A RIGHT TO USE HIS DISCRETION.

Judge Vosburg in Orphans' Court Yesterday Handed Down an Opinion in the Matter of the Appeal by Heirs of the Simon Estate from the Action of the Register of Wills Koch in Appointing Robert Koehler Administrator of the Estate.

In the estate of Frederick Simon, late of this city Judge Vosburg in orphans' court yesterday handed down an opinion in which he dismissed the appeal from the action of Register of Wills Koch in using his discretion and appointing Robert Koehler, administrator, the legatees all having renounced their claims on the administration. The opinion follows:

According to the certified copy of the record of the proceedings before the register of wills, and the evidence adduced, a petition was presented to him on July 27, 1902, by Matt. George Magdalen Heller, Charles J. Gehen, Margaret Malburg, Katherine Wilder, Minnie Fildam, Fred Gehen, Mary Gehen and Reginald Gehen, legatees under the will of the testator, setting forth that the executor originally named is now dead, and asking that letters d. n. c. t. a. be issued to Valentine Malburg.

The same day a petition was filed by Fred H. Winters and Charles Dupont Breck, asking for the appointment of some of persons and on July 31, the petition of Valentine Simon and Valentine Rosar was filed, requesting the register to appoint Valentine Rosar, administrator, the legatees all having renounced their claims on the administration. By the pleadings it appears that there are now living no widow, children or brothers and sisters of Frederick Simon, deceased, his nearest kin being the following nephews and nieces, to wit: Valentine, Mary and Elizabeth Rosar; Peter, Valentine, Joseph and George Simon. After some informal hearings, at which the parties in interest were given the opportunity to be present, the register decided not to issue letters to any of the nominees, and appointed Robert P. Koehler, administrator, d. n. c. t. a. On the 1st of August, 1902, the register was assigned of record; but it was testified at the hearing in court that there seemed to be considerable feeling among the legatees, which led the register to believe that the interests of the estate would be best served for and litigation prevented, if one having no interest at all should administer it. If, under the facts of the case, the register had a legal discretion to make the appointment and issue letters to Robert Koehler, it is certainly the duty of the court to uphold the right of the court to make such an appointment, and to prevent the court from being subjected to a manifest abuse of it. (Whitney's Ap. 108 P. 507).

LEAD TO LITIGATION.

No such abuse has been shown by the evidence; in fact the suggestion that the appointment of Valentine Rosar would lead to litigation, in line with the principle laid down by some of the legatees, should not be appointed (Elliott's Est. 4 Watts, 24). It is true that Mr. Rosar has no matters in suit with this estate; but it is certainly the policy of the law to avoid an appointment which might lead to litigation of any character. It also seems proper to state in this connection, that nothing of the kind has ever been alleged, or shown by the evidence. The important question to be decided here is, whether or not, under the facts of this case, the register was vested with a discretion under the act of March 15th, 1892 (P. L. 140) to go outside of the next of kin, and appoint one not given the right of administration under the statute. In this case, the next of kin did not agree upon any one person as their nominee; and even if they had done so, it is not clear that the register would have been bound to respect their nomination. It is said in Wood's Ap. (53 Pa. 333) that the act makes no provision for nominees or substitutes for the parties in interest. Woodward, C. J., further says in the case last cited: "The (register) is bound to exercise a sound discretion when he selects outside of those to whom the statute gives the right, and in the absence of all evidence against his appointment, a sound discretion is to be presumed." As nothing has been shown against Robert P. Koehler, which would indicate that he is not a proper person to serve as administrator, the exercise of a sound discretion by the register in his appointment must be presumed. Under the authority of Frick's Ap. (114 Pa. 89) those of the next of kin of testator who are non-residents, have no standing to take out letters, or to object to the granting of letters to another. In that case the register appointed one who was not related to the decedent, and was not a creditor of the estate; and this appointment was affirmed by the Supreme court upon appeal.

THE FAVOR CASE.

William W. Porter, Jr., in Fallor's Est., (10 Pa. Supr. Court Rep., page 258), says: "In Fallor's case, Justice Rogers expresses the opinion that the register is bound to respect the nomination of the next of kin. But it is said in Wood's Ap. (53 Pa. 333) that the act makes no provision for nominees or substitutes for the parties in interest. In Fallor's case, the decedent died intestate, leaving as his next of kin a brother and sister. Both at first renounced, the sister asking for the appointment of her son. The brother then withdrew his renunciation, and asked that the letters be issued to him. After hearing the parties, the register granted letters to the nephew, and this appointment was affirmed upon appeal. Where the parties in interest either renounce or are minors, the register may grant letters to any fit person. (Riegel's Ap. 17 W. N. C. 278). An examination of these, and other authorities, has satisfied the court that under all the circumstances of the present case, the register was vested with a discretion to make the appointment, to which objection is now made; and there is nothing to show an abuse of his discretion in so doing. Furthermore, the practice followed by the appellant does not seem to be the proper one. It was held in Fallor's Est. (10 Pa. Supr. Court Rep., page 258) that the register has granted letters to an improper person, application should be made to him for the revocation of the letters, and an appeal to the orphans' court lies from his refusal to do so. This was the procedure followed in Frick's Ap., supra, and I hold it to be the correct practice in cases of this character. According to the record, no application was made to the register for the revocation of the letters of administration, and this application for an appeal is therefore premature and irregular.

NOT YET FAMILIAR.

Counsel for the administrator also argues in his brief that the rules of court have not been followed by the appellant in several particulars; but as the separate orphans' court of this county is of such recent organization, the attorneys have not had an opportunity as yet to fully familiarize themselves with the rules and procedure therein, and I am inclined to overlook and disregard the formal objections suggested. For the reasons stated in this opinion, however, this appeal cannot be sustained. And now, August 22, 1902, it is ordered, adjudged and decreed, that the petition for an appeal from the register be dismissed, and an appeal refused. The cost of this proceeding to be paid out of the estate.

A BONANZA.

He saved and pinched and scraped and skimped
 To lay up hoards of gold,
 But now that miser sleeps unmourned;
 His grasping years are told.

For all the gold he left behind
 Each heir has filed a claim,
 And as for him who left the gold
 The lawyers bleed his name.

—Ohio State Journal.

Appropriate.

Shopper—"But aren't these hose rather loud?"
 Clerk—"Yes, sir. They are intended only for persons whose feet are in the habit of going to sleep."—Chicago Daily News.

SUMMER RESORTS

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 On the Beach, in Chelsea, Atlantic City, Wednesday was 62.
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 \$6026

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 2 Scholarships in Fred Wooler's Vocal Studio..... 125
 1840
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Rules of the Contest

The special rewards will be given to the person securing the largest number of points.

Points will be credited to contestants securing new subscribers to The Scranton Tribune as follows:

One month's subscription.....\$.50 1
 Three months' subscription..... 1.25 3
 Six months' subscription..... 2.50 6
 One year's subscription..... 5.00 12
 The contestant with the highest number of points will be given a choice from the list of special rewards; the contestant with the second highest number of points will be given a choice of the remaining rewards, and so on through the list. The contestant who secures the highest number of points during any calendar month of the contest, will receive a special honor reward, this reward being entirely independent of the ultimate disposition of the scholarships.

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No transfers can be made after credit has once been given.

All subscriptions and the cash to pay for them must be handed in at The Tribune office within the week in which they are secured, so that papers can be sent to the subscribers at once.

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