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Dime Bank Corner of Wyoming Avenue and Spruce Street, SCRANTON, PA.

I. F. MEGARCEL & CO. Bankers and Brokers, Connell Building.

MONEY TO LOAN. VOL. I. MONEY MAKES THE MARK CO. NO. 1

Register Now For the New Term in The Hardenbergh School of Music and Art

Special Sale of Childrens Coats BABY BAZAAR 118 Washington Avenue.

Cigars For Christmas E. C. Dean, 414 Connell Bldg.

Saturday Evenings Between 7 and 8 O'clock THE PEOPLE'S BANK

INJUNCTION WAS REFUSED

WANTED TO ARRAY COURT AGAINST COURT.

George Howell's Attorney Asked for an Injunction to Prevent the Commissioners in the Connell-Howell Election Contest from Performing the Duties the United States Court Assigned to Them—A Majority of the Court Refused to Issue the Restraining Order.

The court of this county was yesterday asked by Attorney C. Balentine, acting for George Howell, who is absent from the city, to issue an injunction restraining the commissioners appointed under the order made Monday by Judge R. W. Archbald in the United States court, from bringing in the ballot boxes containing the ballots cast at the election of Nov. 4.

These ballots will be needed to determine the contest now pending between Mr. Howell and Hon. William Connell for the office of congress. Under the law, unless otherwise ordered, the ballots would have to be destroyed that the boxes may be used at the February election. The contest will not be disposed of by that time and it became necessary to officially preserve the ballots.

On Mr. Connell's petition Judge Archbald, of the United States court, where all federal matters are heard, Monday made an order directing that the contestant and respondent each name a commissioner to have the power to open the ballot boxes in the several election districts and remove and seal up the contents, properly marking them for identification, or to bring in the ballot boxes. The boxes or ballots were to be deposited with E. R. W. Searle, clerk of the United States court.

An Objection Raised. Mr. Howell's attorney wanted the ballots deposited in the court house, but as Judge Archbald has no authority over county property or over county officials he had to decline to accept the suggestion and named the clerk of the district court, the legal custodian of all its papers, as the proper person to take charge of the ballots.

On Tuesday Mr. Howell named Attorney John J. Toohy as his commissioner, and Mr. Connell named Attorney P. W. Stokes. The appointments were confirmed by Judge Archbald.

When Mr. Connell's appointee was announced Mr. Balentine objected to him and read a paper which made a savage attack upon Mr. Stokes. It was not in the form of an affidavit and was unsigned and Judge Archbald refused to consider it.

"I have known Mr. Stokes for twenty-five years," he said. "He was a student in my office and I have known him ever since the bar. I do not believe the things which you have said concerning him."

Having failed in their effort to deny Mr. Connell the right they had taken advantage of themselves, namely to appoint a commissioner who would watch his interests in the gathering and sealing of the ballots the Howells turned to other fields.

Yesterday Messrs. Stokes and Toohy began the work of gathering the ballots. Their first step was to call upon the county commissioners and ask for the keys of the ballot boxes.

Wouldn't Give Them Up. John J. Durkin, Democrat, and minority member of the board of commissioners is the chairman and has the custody of the keys. He refused to give them up, notwithstanding that John C. Morris and John Penman, the other members of the board, requested him to do so.

Messrs. Stokes and Toohy then applied to Judge Kelly for an order to compel County Commissioner Durkin to hand over the keys. He consulted with the other judges and they unanimously decided that the court had no authority to make such an order. The court would only have power to direct the commissioners to do something as the result of proceedings regularly brought against them.

Not being able to get the keys, the contents of the boxes could not be removed and sealed by the contestant commissioners, and the fourth, in accordance with the order under which they were acting, proceeded to bring in the ballot boxes.

This action of Commissioner Durkin means that the ballot boxes will not be available for use at the February election, and the county will have to spend \$1,000 to replace them.

Part of the Plan. The refusal of Commissioner Durkin was in accordance with a plan of operations that had been laid out by Howell's chief adviser and which was being carefully developed step by step. If the contest commissioners could not get the keys, the boxes on the bench, of course, take the boxes in pursuance to the order they were acting under.

"That's where we will have them," said the chief adviser. "The United States court has the right to take the contents of the boxes, but when it tries to confiscate the boxes, which are the property of the state, things will be in shape for the local courts to lock horns with the United States court and then there will be things doing. We can restrain them by injunction, and the ballots will stay just where they are, since our commissioner has the keys and won't give them up."

Messrs. Stokes and Toohy having no alternative, started after the ballot boxes, and Mr. Balentine proceeded, in accordance with the plan of campaign, to place in his coat pocket the injunction papers he had prepared and hasten to the court house to apply for an injunction. Judge Newcomb was on the bench in the main court, so he went to Judge Kelly, who is in chambers this week. The latter, with a full realization of the gravity of the proposed step—the enjoining of the United States court—suggested that the matter be discussed before the full bench, and at 4:15 the formal application was made before Judges Edwards, Kelly and Newcomb in the main court room.

Howell Absent from City. In applying for this remarkable injunction—the like of which was never before asked for in this country so far as is known—Mr. Balentine said that Mr. Howell is absent from the city and state, and as his attorney he had prepared the injunction petition and sworn to it, believing he had that right. Mr. Howell, he said, had no knowledge of the proceedings.

The first petition for the injunction served on Mr. Connell's attorneys, R. H. Holgate and Ezra H. Connell, had, it developed later, the name of George Howell signed to it. They refused to accept service of it, claiming that the signature was only an imitation of that of Mr. Howell, and the petition in the name of Mr. Balentine was then prepared.

Mr. Balentine told the court that if the commissioners were allowed to take possession of the ballot boxes, great and irreparable injury would be done Mr. Howell. He did not specify what the injury would be, but proceeded at once to make an assault on the characters of E. R. W. Searle, clerk of the United States court, and Commissioner P. W. Stokes. Judge Edwards stopped him with the remark that the court was only interested in the question of its jurisdiction in the matter of granting the injunction prayed for.

The Revised Statutes. Mr. Balentine read the revised United States statutes with reference to election contests, and maintaining that nowhere gave Judge Archbald the authority to make such an order as he issued to the commissioners, and as his act was without authority it was the duty of the county court to issue the injunction prayed for and prevent the confiscation of the ballot boxes of the state, which, it was alleged, would be the irreparable injury of Mr. Howell, still no specification of the nature of the injury the taking of the boxes would entail. The contents seemed to have been relegated to a secondary place.

Mr. Holgate, in reply, said that in his opinion the local court had no jurisdiction in the matter whatever. The election of congressmen and the procedure as to contests are regulated by federal laws and nothing in connection with them can come up in the state courts. The proper person to appoint the commissioners was the United States judge, and the proper custodian of the ballots the United States officials.

Mr. Balentine maintained that the Judge or other official appointed to hear the testimony in the contest was the only one authorized to take possession of the ballots or appoint anyone to do so, but Mr. Holgate combatted this view and said it was undoubtedly the right of a judge of the United States court to do it.

"What powers do these commissioners have?" asked Judge Newcomb. Mr. Holgate replied that under the order of Judge Archbald they have the right to take the ballot boxes and their contents.

"Do you mean that any court has the right to take these ballot boxes and carry them away to Harrisburg?" asked Judge Newcomb. "If you do, you will have to bring up some strong authorities to convince me that you are correct," he added.

Later he wanted to know of Mr. Holgate if he believed the United States court—suggested that the matter be discussed before the full bench, and at 4:15 the formal application was made before Judges Edwards, Kelly and Newcomb in the main court room.

Scranton Conservatory of Music

J. ALFRED PENNINGTON, DIRECTOR.

57th RECITAL In Guernsey Hall MONDAY EVENING, DEC. 14.

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IS AN OLD OFFENDER.

Former Convict Saw Morgan in Trenton Penitentiary—Was There Under the Name of Jones.

There seems to be no question but that Frederick Morgan, who was sentenced to twelve and a half years' imprisonment for forgery on Tuesday, is an old offender and ex-convict. One of the keepers at the county jail said last night that Charles Kuhlman, recently sent to the penitentiary for breaking into the Abington Dairy company's office, knew Morgan.

Kuhlman said that he saw him at the penitentiary in Trenton where he (Morgan) was serving a sentence under the name of Tom Jones. Kuhlman was positive that Morgan was the man. Morgan takes his long sentence philosophically and doesn't appear to be in the least worried at the prospect ahead of him.

Morgan is engaged in writing a letter to Judge Newcomb, in which he will endeavor to convince the judge that his sentence is too severe.

Mr. Balentine took an exception to the decision of the court. The refusal of the injunction has prevented a most unpleasant conflict between the local and federal court that could only have a bad effect and tend to most distressing results. It would place the commissioners in the position of having to refuse to obey the order of some one of the two courts, and thereby place themselves in contempt.

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The Best Christmas Present Is a copy of a home paper to the members of the family who have left the home nest. It will be a daily letter from those they love best and will enable them to be fully conversant with all the happenings in the dear old town. The Tribune has more local news than any other Scranton paper and would be appreciated.—Adv.

Plan to buy some of your Christmas gifts at the Penn avenue Baptist church parlors Thursday afternoon and evening, December 11. Orchestra and refreshments in the evening.

SUSPENDERS

50c. We begin the holiday suspender prices at 50c. that's better than New York prices for the same quality of Suspenders each pair boxed in single boxes. A very showy and desirable gift—other grades \$1. and up.

Hand & Payne, Corner Washington Ave & Spruce St.

Zanesville Pottery

WE PARTICULARLY INVITE YOUR INSPECTION OF OUR XMAS DISPLAY OF ZANESVILLE POTTERY. UNIQUE IN DESIGN, EXQUISITE IN COLORING.

Griffin Art Shop 211 Washington Ave.

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211 Washington Ave.

Lawyers

The Tribune will guarantee to print your paper book quicker than any other printing house in the city.

A Christmas Gift

That is an ornament, a luxury and a necessity is a fine Umbrella made here in this city. Special inducements by leaving your order now before we are overcrowded.

OUR UMBRELLAS need no praise, as to our handles, we carry the entire sample line of the largest house in this country. That is why they are at once fine in design and reasonable in price.

THE SCRANTON most reliable house in UMBRELLA to buy an excellent UMBRELLA at reasonable prices; all MFG and recovering done by this CO. is guaranteed for one year.

M. Silverman, Prop. 313 Spruce St.

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Christy Calendars Gibson Calendars Pierce Calendars Hurlbut Calendars

The above lines are limited in numbers, as the subjects are entirely new. No Old Stock.

REYNOLDS BROS. Stationers and Engravers Scranton

F. L. Crane

Established 1866 High-Class Furs

It is often a source of great satisfaction to purchasers to be able to make their own selection of skins for garments. We are new in the exclusive fur business, and prepared to show you a large line of the following high-grade furs:

ALASKA SEAL PERSIAN LAMB BROADTAIL ERMINE RUSSIAN SABLE HUDSON BAY SABLE MINK CHINCHILLA BLACK LYNX BLUE LYNX

FAHM MARTEN STONE MARTEN BLACK MARTEN ISABELLA FOX SABLE FOX WHITE FOX BLUE FOX BLACK FOX BEAR

Remodeling and Repairing Is Given Special Attention. Cash Paid for Raw Furs.

324 Lackawanna Avenue.

THE PRENDERGAST STORE.