The Somerset Herald.

GEORGE R. SCULL, Editor.

WEDNESDAY.....October 6, 1897.

Grey squirrels are said to be unusually numerous in the woods round about town. A young farmer, living two miles north, recently captured two of the frisky little animals alive in his barn.

We are requested to make the following announcements for Rev. D. L. Yoder, for the coming Sabbath, Oct. 10: Preaching services at Husband at 10:30, a. m., Pearltown, in home of Charles Heiple, at 2 o'clock and Somerset, at 7 p. m.

Deputy Attorney General Reeder has given an opinion in which he holds that councils of third class cities can change its sanitary supervision from a board of health to a sanitary committee should it so desire.

For Itching Piles, irritation of the genitals, or Itching in any part of the body, Doan's Ointment is worth its weight in gold. No matter how long-standing the trouble, Doan's Ointment will not fail to give instant relief.

A novel sight of squirrels migrating was witnessed below Cumberland, Md., a few days since. A drove which an eye-witness estimated contained at least three thousand, swam across the Potomac River. About three hundred of them were killed by men and boys ere they got into the woods.

Rich men in America are not as greedy as the demagogues depict them. During 1896 they gave for colleges and benevolent purposes a round $20,000,000. During 189 they increased it to $32,000,000. In 1895 they gave $32,800,000, and, notwithstanding the hard times of 1896, the gifts amounted to $27,000,000.

The State Department returned the nomination papers of N. L. Peck, Prohibition candidate for Associate Judge in Monroe County, for the reason that they were not properly made out, the occupation and residence of signers being indicated by ditto marks, which is not in accordance with the law.

An unsigned letter recently received from Baltimore at Everett, stated that the writer and others, now dead, stole $300 school money from the trunk of Dr. Davis, school fund treasurer, at Riddlesburg, Bedford county. Mr. Davis was sued to recover the money, which was lost in October 1895.

"Burdock Blood Bitters entirely cured me of a terrible breaking out all over my body. It is a wonderful medicine." Miss Julia Elbridge, Box 35, West Cornwall, Conn.

Another effort is being made to have Alexander Berkmann, who shot H. C. Frick during the labor troubles at Homestead in 1892, pardoned on three indictments, reducing his sentence from 21 to 12 years. Berkmann says he will leave the country if pardoned. He is said to have lost much of his anarchistic feeling.

The St. Hubertus Club, an organization of Johnstown sportsmen, has decided to offer a standing reward of $10 for information that will lead to the arrest and conviction of any one who hunts game out of season. The members are determined that they will break up the practice of killing game out of season. The club is composed of 19 active members and about 40 honorary members. A fund for pushing the prospective suits has been created and contains a large sum of money.

Rev. S. B. Rohland, pastor of the Mechanicsburg Charge of the United Evangelical Church, in Indiana County, and Miss Mary, daughter of Mr. and Mrs. Emanuel Bowman, who reside near Somerset, were married Wedesday evening at the home of the bride's parents. Presiding-Elder J. W. Domer of Westover, Clearfield County, performed the ceremony at 7 o'clock in the presence of a few friends of the contracting parties. Rev. Rohland was stationed at Jennertown a few years ago.

Architect George T. Smith is preparing a set of plans for a frame hotel to be erected soon at Windber, near Scalp Level, for C. J. Duncan, the Dunlo landlord. It will have a frontage of fifty-four feet and a depth of seventy-two feet. It will be a three-story structure and will contain about thirty sleeping rooms, together with the other rooms necessary for a hotel. Mr. Duncan expects to have a gang of men begin excavating for the foundation on Monday.—Johnstown Tribune.

An apparently fair estimate places the expenditures of the State in sending the troops to suppress the outbreak in the vicinity of Hazleton at $125,000. The National Guard law of 1887 fixes the pay of first sergeants at $3 a day, sergeants $2, corporals $1.75, musicians and privates $1.50, "and each enlisted man after having served a full term of enlistment shall be entitled to an additional pay of 25 cents per day for service during his second term and a further addition of 25 cents per day for service during each subsequent term of enlistment."

Mrs. Sarah Terry, of this city, says the Philadelphia Record, who is one hundred and five years old told this: "My father was with General Washington in the War of Independence, and was engaged in the battle of Trenton and Monmouth. I often heard him tell how he asked General Washington during these engagements for something to eat to appease his hunger, and how the latter put his hand in his pocket, giving him a mouthful of corn. My father had a brother—John Doron—who at one time owned the greater portion of Redstone, afterward known as Johnstown, Pa.

State Treasurer Haywood received a communication from George V. Cresson, of Philadelphia asking to be advised whether it is proper to return the tax collected from alien employes, as has been done by other firms. The letter was referred to the Attorney General's Department for an opinion, and deputy Attorney General Reeder gave the State Treasurer the following opinion: "This department advises that county commissioners shall insist on employers making returns and paying the taxes as provided in the act of June 15th, 1897, until that act shall have been declared unconstitutional by a court of last resort."

The commissioners notified the sheriff Monday that they would refuse to pay for the keeping of any more train jumpers whom the railroad might have arrested and sent to jail. The P. R. R. company has lately been making wholesale arrests of train jumpers and in default of payment of fines, is having them confined in the county jail in which the arrests are made. The commissioners claim that they have no right to pay for their keeping as that is putting an additional burden on the tax payers. They say they won't keep the culprits unless the law compels them to do so. The commissioners of Cambria and Somerset counties have decided against this practice, and similar steps were taken by the Westmoreland and Indiana county commissioners.—Indiana Gazette.

Don't think that your liver needs treating if you are bilious. It don't. It's your stomach. That is, your stomach is really what causes the biliousness. It has put your liver out of order.

See what's the matter with your stomach.

Sick stomach poisons liver and then there's trouble. Shaker Digestive Cordial cures stomach and then all's well. That's the case in a nutshell.

Shaker Digestive Cordial is no secret. Formula's on every bottle. But it's the simple honest way it's made, the honest Shaker herbs and other ingredients of which it's composed, that make it so efficacious.

Any real case of indigestion and biliousness can be cured with a few bottles of Shaker Digestive Cordial. Try it.

Sold by druggists, price 50 cents to $1.00 per bottle.

Mr. Hermanus Baer left Monday for Philadelphia where he will enter the Jefferson Medical College as a student.

Mr. E. A. Geisler and family will leave in a few days for Des Moines, Ia., where they will make their future home.

Hon. B. F. Meyers and wife, of Harrisburg, arrived in town Monday and will remain a few days with their relatives and friends.

Will S. Hochstettler, son of Mr. and Mrs. W. M. Hochstettler, of this place, is critically ill at West Newton, where he has been working for several months past.

James McKelvey, of Somerset, and E. D. Leonard, of Meyersdale, have been drawn to serve as jurors at the October session of the U. S. District Court, which meets in Pittsburg.

Mr. and Mrs. David Yoder, of Monitor, Kan., are visiting with their Somerset county relatives. Mr. Yoder is a native of this county, having removed to Kansas twenty-five years ago.

Joseph S. Roddy, who was born in this town in 1857, being a son of the late John D. Roddy, Esq., died at the home of his brother, R. B. Roddy, in Allegheny, on Monday afternoon. He was unmarried.

Mr. George W. Gumbert, of Pine Hill, and Miss Sallie Ringler, of Berlin, were united in marriage at the home of Joseph Hoyle, near Beechdale, on Sunday, October 3rd, Rev. J. H. Knepper officiating.

Simon Schrock, who for the past four years has managed a large plantation near Culpepper Court House, Va., has returned to Somerset with his family. They will reside on Mr. Schrock's farm west of town.

Mr. John Critchfield, who had been spending his vacation with his parents, Senator and Mrs. N. B. Critchfield, on their Jenner township farm, returned to Philadelphia last week, where he will resume his studies at the Medico-Chirurgical College.

Three or four cases of typhoid fever are reported from Ursina and vicinity. Those afflicted reside on the hill above the town, where the water is supposed to be of the purest quality, and much speculation is indulged in as to where the fever germs come from.

The Somerset Hotel Company have disposed of some fifty-six lots to almost as many different purchasers and next summer will probably see a number of pretty cottages on the square immediately south of the hotel site. The location is an ideal one for a summer residence.

Albert Stein, B. & O. telegraph operator at Pinkerton, is suffering from a broken leg, sustained a few days since, when he jumped from a fast moving freight train at Confluence. Stein lost one of his arms when a boy, by being caught in the machinery of a grist-mill.

George Kniss, aged 82 years, died at his home in Conemaugh township, on Tuesday, September 28th, from old age. Deceased came from Germany to this country fifty years ago, and for thirty-five years past has been a resident of this county. He is survived by one son, George.

General A. H. Coffroth last week disposed of a number of acres of land adjoining the Somerset Hotel Company's property, the purchasers being Joseph W. Gastiger and Wm. M. Schrock. It is probable that the land will be laid out into town lots and that buildings will be erected on them in a short time.

Among the recent additions to the population of Somerset are Mr. and Mrs. Jonas M. Keffer and family of Ligonier, who have taken possession of a new house on East street, recently erected by John H. Huston. Mr. Keffer will engage in the boot and shoe business in the store room formerly occupied by James M. Cassady.

Mr. and Mrs. John W. Beck, of Fairhope township, were in town several days last week, called here to attend court. Mr. Beck it appears was called upon some time ago to administer a sound threshing to a fellow employed on the railroad near his home and who attempted to brain him with a stone. The case was continued until next term of court.

Mr. Harry C. Beerits, the well-known groceryman, had a narrow escape from a violent death on Friday, when his trousers caught on a scaffold on the second floor of the new warehouse Cook & Beerits are erecting near the railroad station, causing him to fall a distance of fifteen feet to the joist below. Outside of a few ugly bruises and a general shaking up he was uninjured.

On Monday County Treasurer and Mrs. Winters entertained Mr. and Mrs. John Rainey, Mrs. Nancy F. Rainey, Mrs. Rebecca Brubaker and daughter, of Altoona, Mrs. Lizzie Miller, of Stoyestown, Mrs. Kate Spangler, of Monroe, Wis., and Mr. and Mrs. John H. Zimmerman, of Listie. The gathering was in the nature of a family re-union, all of the married ladies mentioned, with the exception of Mrs. Zimmerman, being aunts of Mr. and Mrs. Winters.

James L. Pugh, Esq., as trustee for the sale of the real estate of the late John and Sarah Hicks, on Tuesday last disposed of three of the tracts advertised, as follows: No. 2, a building lot on Union street to W. M. Schrock, for $400; No. 3, one acre of land situated in the north-west quarter of Somerset borough, to Mrs. Larue M. Hicks, for $480; No. 4, 10 acres of land to Edward Hoover for $451. Nos. 1 and 5, the homestead of decedents and a tract of mountain land respectively will be sold at December term of court.

The Pittsburg News was so elated over having taken 250 G. A. R. comrades to the recent National Reunion at Buffalo, that it now proposes to supply 500 comrades with tickets from Pittsburg to Cincinnati and return upon the occasion of the next National Reunion. Selection of Posts will be made by means of a voting blank which will be printed in the News every publication day from Oct. 1, 1897, to July 1, 1898, thus giving every Post in the vicinity of Pittsburg an opportunity to enter the contest with the prospect of winning one of the prizes.

Mrs. Gertrude Hall, youngest daughter of the late Col. R. B. Cummins, died at her home in Baltimore, Md., on Friday, 1st inst., aged about forty years. Her mother left Somerset about ten days ago and was with her when she died. Death resulted from consumption. Mrs. Hall was born in Somerset and lived here until the time of her marriage about eighteen years ago, when she accompanied her husband, who was an employe of the B. & O. R. R., to Baltimore, where she has since made her home. She is survived by her husband and three children.

Daniel Fisher, a former well known resident of Berlin and later of Jenner township, died at his home in Johnstown, on Saturday, aged 78 years, 9 months and 29 days. Deceased was born in Germany but came to this country in 1843, locating at Berlin. From Berlin he removed to Forwardstown, where he resided until 1886, when he became a resident of Johnstown. He was an ardent Republican and never left the fold of his party to cast a vote even for a personal friend of opposite political faith. In early life he united with the Lutheran Church and lead a consistent christian life. He is survived by his wife and four sons.

The angry barking of his watch dog aroused Robert McGregor, of Shade township, a few nights ago, and upon going out of the house to see what was the matter the dog ran towards the barn. Mr. McGregor followed and a moment later heard some one in the barn. Returning to the house he secured his rifle and went to a corner of the barn to await developments. In a few minutes a man ran out of the horse-stable and around the corner of the building. McGregor fired after the fleeing figure but his aim was bad. Securing a lantern he found that his two valuable horses had been bridled by the thief and that two saddles and blankets and a bag filled with oats had been carried into the road, where the thief evidentally expected to secure them later on.

THE "FAKIRS" FLAYED

Their Certificate of Nomination Declared Invalid and the "Fake" Primary and "Fake" Convention Held to be No Good.

THE PARTY ORGANIZATION SUSTAINED AND THE NAMES OF SHOEMAKER AND COLEMAN ORDERED ON THE OFFICIAL BALLOT.

Party Rules and Party Law Must Be Complied With.

TRIUMPH OF HONESTY AND REGULARITY IN PARTY AFFAIRS.

County Chairman Berkley Vindicated and the Organization Handsomely Sustained in an Exhaustive and Forceful Opinion by a Learned and Able Judge.

FULL TEXT OF JUDGE BARKER'S OPINION IN THE CONTESTED ELECTION CASE.

Following is the full text of the opinion of Judge Barker in the contested election case, wherein a few of the old-time party disorganizers and disruptionists attempted to have the names of their "fake" candidates placed in the Republican column on the official ballot to be voted at the November election. The opinion was received at the Prothonotary's office at noon Monday:

JUDGE BARKER'S OPINION.

IN THE MATTER OF THE OBJECTIONS TO THE CERTIFICATE OF NOMINATION OF MANASSES SHOEMAKER, CANDIDATE FOR DIRECTOR OF THE POOR, AND OF EPHRAIM COLEMAN, CANDIDATE FOR JURY COMMISSIONER.

No.—— September Term, 1897.

On June 29, 1897, a certificate of nomination was filed in the Commissioners office of Somerset county, signed by Harvey M. Berkley as presiding officer and Jacob W. Peck and G. L. Countryman as secretaries, setting forth, that "at a meeting of Committeemen or Return Judges of the County of Somerset, representing the Republican party or policy of the State of Pennsylvania, and being the body duly authorized by the Republican party or policy of the County of Somerset to certify nominations for the offices named below, held at the Court House in Somerset Borough on the 29th day of June, 1897," Manasses Shoemaker was nominated for Director of the Poor, and Ephraim Coleman for Jury Commissioner.

On July 10, 1897, a certificate of nomination was filed in the Commissioners' office, setting forth that "at a meeting of Return Judges of the County of Somerset, representing the Republican party or policy of the State of Pennsylvania and being the body duly authorized by the Republican party or policy of the County of Somerset to certify nominations for the offices named below, held at the court room in the Court House in the Borough of Somerset on the 28th day of June, 1897," John H. Shaffer was nominated for Jury Commissioner, and Adam S. Miller for Director of the Poor. This certificate was signed by A. O. Beal as presiding officer, and by E. C. Welch, P. K. Moore, J. A. Lambert and J. G. Emert as secretaries.

Objections were filed to the first certificate on the 14th July, 1897, by Adam S. Miller and John H. Shaffer, and to the second certificate on the 28th of July, 1897, by Manasses Shoemaker and Ephraim Coleman, and the issue, therefore, is between the candidates named in the respective certificates; if the objections to either certificate prevail, the candidates named therein can not have their names printed on the official ballot. If the objections to both certificates prevail there will be no regularly nominated candidate for Director of the Poor and Jury Commissioner at the coming election.

In order to properly determine the issue, we must look for the law of the case to the "rules and regulations governing the Republican primary elections of Somerset County." The Act of June 21st, P. L. 70, regulating primary elections, the ballot law of 1893 and the Act of June 22, 1897, all recognize the binding effect of party rules and accord to them the force of laws, and they have always been enforced by the courts as the law of the party adopting them. The rules and regulations governing the primary elections in Somerset County have been in force for a number of years, and we quote such portions as apply to this case. Rule 13 provides that, "the duty of the Chairman shall be to preside at meetings or conventions of the County Committee, and preside at meetings or conventions of Return Judges as president and with the approval of the executive committee shall appoint members of the Republican party as Committeemen to fill vacancies, remove Committeemen for inefficiency or disloyalty to the Republican party, secure the printing and distribution of tickets and election blanks, make assessments on candidates for nominations to defray expenses for announcing candidates for office, pay expenses of convention of return judges," etc.

PARTY RULES INTERPRETED.

Rule 20 provides that "each candidate for nomination shall furnish to the Chairman of the County Committee not less than 20 days before the day of primary election, his name, the office for which he is a candidate, the township or borough in which he resides, with his post office address, and pay a fee of"—(then follows the amount to be paid by the candidate for the different offices, ranging from $100 for President Judge to $10 for Director of the Poor and Jury Commissioner)—"to be used exclusively as a fund to defray the expenses of announcing candidates, in such Republican newspapers of the county as shall be designated by the Chairman, printing tickets and election blanks and such other necessary expenses for holding and conducting the primary elections. The Chairman of the County Committee shall be custodian of the funds arising from said fees * * * The Chairman of the County Committee shall cause to be printed separate lists of all the candidates for each office, with the office designated at the head of each list, and furnish the Committeeman of each district with at least two copies thereof for each voter who voted the Republican ticket at the preceding November election. These lists may be used by the voters as tickets by stricking out or erasing any name they do not wish nominated."

Among the duties of the Committeemen as set forth in rule 15, is "to procure the lists of candidates furnished by the Chairman of the County Committee."

Rule 19 provides, "that the Republican party of Somerset county shall hold its primary election for nomination of candidates on the fourth Saturday of June of each year;" and rule 16 provides that "the Judges of Election of the several precincts shall assemble in convention in the Court House, in the borough of Somerset, on the Tuesday following the election at one o'clock p. m. of said day, at which convention the Chairman of the County Committee shall preside," &c. And rule 11 provides that, "one return sheet of the primary election shall be sealed in an envelope, addressed to the Chairman of the County Committee, Somerset, Pa., and shall be mailed by the Inspector or Clerk as soon as possible after the votes are counted."

It appears from the certificates filed that two meetings of Return Judges or Committeemen were held at the time and place designated by rule 16, to-wit: The Tuesday following the 4th Saturday of June, "in the Court House in the borough of Somerset," and it appears in the proof before us that Harvey M. Berkley was the regularly elected Chairman of the County Committee, and acting as such at the time these meetings were held, the certificate signed by him as presiding officer is therefore *prima facie* the certificate of the regular meeting or convention of Return Judges as distinguished from the one signed by another person not claiming to be the Chairman. The objections filed to this certificate, however, allege that the meeting of Return Judges over which Harvey M. Berkley presided was illegal and in violation of the rules, as no primaries had been held at which Shoemaker and Coleman were voted for, no returns of any primary election made to said meeting, and that said meeting had no authority to nominate candidates or to certify candidates excepting from the returns of a primary election. On behalf of the candidates whose names appear in the certificate as filed, however, it was claimed in the objections filed thereto, and on the argument before us, that they were the only ones who had complied with the requirements of the party rules, and were the only ones entitled to be voted for at the primary election, being the only candidates announced by the Chairman in pursuance of rule 20, that there being only one candidate regularly before the people for each office to be filled, it was unnecessary to hold a primary election, and that the convention was warranted under the customs of the party, as well as under the Act of June 22d, 1897, in certifying Shoemaker and Coleman as the regularly nominated candidates, even though no primaries had been held. Candidates Miller and Shaffer reply to this that the Chairman of the County Committee wrongfully and improperly refused to announce their names as candidates, although they requested him to do so and paid him the fee required by rule 20, and that they were voted for at the primaries held on the date fixed by the rules and were returned to a convention of Return Judges as nominated.

The convention presided over by Harvey M. Berkley consisted of a number of the Committeemen who were regularly elected the preceding year, some persons holding proxies as such Committeemen, and others who were appointed in the place of Committeemen removed by the Chairman under the authority given him by rule 13. None of these, however, we believe, had acted as judges at any primary election held on the preceding Saturday.

The convention presided over by A. O. Beal consisted of several Committeemen who had been regularly elected the preceding year and who had held primary elections in their respective districts on the preceding Saturday, and of several persons who had acted as judges of election in pursuance of a provision in rule 10, that in case of the absence of the Committeeman on the day of the primary election the voters present shall elect a judge of election.

It appears from the evidence that Messrs. Shoemaker and Coleman were announced by the Chairman of the Republican County Committee in the newspapers for the offices of Jury Commissioner and Director of the Poor respectively, and that Shaffer and Miller were not so announced, and that in the issue of the Somerset HERALD, published on Wednesday preceding the usual time for holding the primaries, it was announced by the Chairman that there being only one candidate for each office to be filled, the necessity for holding the primary election was obviated and that none would be held; and it further appears that no list of the candidates for the offices to be voted for were furnished to the Committeemen by the Chairman for the same reason.

It must be conceded that the plain intendment of the rules, taken as a whole, is that no person shall be voted for at the primaries of the Republican party of Somerset County excepting those who have paid the assessment or fee required therein, have been announced "in such Republican newspapers of the county as shall be designated by the Chairman," and whose names appear upon the list of candidates furnished the committeemen by the Chairman, as required by Rule 20, and procured by them as required by Rule 15. The rules contain no positive prohibition against other persons being voted for, but to permit others than those thus previously qualified to be nominated would certainly abrogate the rules in such important particulars as to render them invalid, and it would be a plain disregard of an old rule of construction which requires us to inquire into the mischief and the remedy if we were to place any other construction on the rules.

THE BLOW THAT ALMOST KILLED FATHER.

The facts just stated above and the construction placed upon the rules would seem almost sufficient of themselves to warrant the withdrawal of the names of Miller and Shaffer from our consideration as properly certified candidates, without considering the reasons why they were not announced by the Chairman and whether these reasons were sufficient or not; in other words, as against candidates who have been properly announced, persons who have not been announced should have no status, regardless of the reasons why they were not qualified by previous announcement, but we do not care to rest our decision on these grounds, although apparently tenable, but will supplement them with further reasons sufficient to our mind.

Chairman Berkley, from the time the first candidate spoke to him in the early spring, about having his name announced, until the last day for receiving the names of candidates under the rules, constantly asserted to all comers that there was not sufficient money in his hands to hold the primaries and that he would hold no primaries unless the candidates agreed to secure him in the deficit, and that the exact amount of deficit could not be ascertained by him until the last day for receiving announcements, because the proper apportionment could not be made among the candidates until he knew how many there would be. Shoemaker and Coleman were the only candidates for the offices of Director of the Poor and Jury Commissioner who agreed to pay their share of the amount necessary to be collected from the candidates to defray the expenses of the primaries and of the convention of return judges. All the other candidates were notified and they all refused in express terms to pay anything more than the fee provided for in Rule 20, or failed and neglected to ascertain from Chairman Berkley on the last day for receiving announcements the amount necessary for them to pay in, he having previously advised all candidates that he could inform them as to the amount necessary on that day.

It must be conceded that the intention of the rules is that candidates for nomination from year to year shall bear the expenses of announcing their names, of holding the primaries and of the convention of return judges. This is clear from the express language of Rules 13 and 20, and we do not understand it to be controverted in this case. The expenses of holding the primary elections in the forty-three districts of Somerset County and of the convention of return judges is considerable, and it was agreed that the *fees* provided for in Rule 20 are not sufficient in "*off years*" when only minor offices are to be filled, but that the surplus from years when the more important offices are to be filled, for which the fees provided are larger and when there are more candidates, is expected to make up the deficiency in "off years." It seems to follow then as a logical conclusion that if there was not sufficient money left in the hands of the Chairman from the year 1896, which, added to the amounts paid in by candidates in 1897, would pay the expenses above referred to, that the candidates in 1897 must make up the deficiency, and that the Chairman would have an undoubted right to demand from them a sufficient amount respectively, and to refuse to announce the names of candidates who indicated their intention not to pay their respective shares, just the same as he would have the right to refuse to announce the names of candidates who refused to pay the amount fixed by Rule 20. It is claimed that the express language of Rule 13 authorizes such an assessment, but whether it does or not, it seems to us to follow by implication or inference from the rules as a whole that such right existed, and several precedents for it were proven to have occurred in previous years. If the construction of Rule 13 is not as contended above, the opposite construction contended for would compel the Chairman to "pay expenses of the convention of return judges" without making any provision to enable him to collect said expenses. The fact that some previous Chairmen, as proven, had borrowed the money to meet a deficiency can hardly be held as a precedent to require a subsequent Chairman to do the same and make himself personally liable therefor.

WERE AFRAID OF MANDAMUS PROCEEDINGS.

It was sought to be shown on the hearing before us that there was sufficient money in the hands of Chairman Berkley to conduct the primaries, notwithstanding his assertion to the contrary, and that no assessment was necessary; and witnesses were called to give estimates of the probable cost of holding the primaries; but we do not feel that we ought to be asked, or that we can, *in this proceeding*, settle a dispute of that character, involving, as it does, the opinions of witnesses as to the proper amount to be paid Return Judges, newspapers for announcements, and rent for places in which to hold primaries.

It seems to us that if the different candidates doubted the statement of Chairman Berkley that there was not sufficient money in his hands, or questioned his right to demand that they make up any deficit, the primaries being especially an affair of theirs and not of his, and it being known to them that their names would not be announced unless they did pay him their shares of the alleged deficit, the proper way for them to have obtained their rights would have been to pay to Chairman Berkley the small amount claimed from each one, having a clear right to recover from him their shares of any unused surplus, and more especially since he had notified them of his willingness to return any such surplus to them. If, as alleged in this case, the claim of Berkley to collect from candidates an assessment in addition to the fee provided by rule 20, and his failure to announce their names, was a part of a scheme to prevent them from being voted for, the candidates could very readily have disarmed him by complying with his demand, and the failure of all the candidates to do so appears to us like a concert of action on their part to disregard the rules of the party. Furthermore, they knew on the 9th of June, more than two weeks before the time for holding the primaries, by the fact that their names were not announced in the papers, that Mr. Berkley did not intend to announce their names or place them on the ticket. If his reasons for not doing so were insufficient, they had a clear legal remedy by applying to the Court for a mandamus, and there was ample time to have the question determined, and, if successful, to compel him to announce their names before the primaries and furnish lists of candidates to the committeemen with their names on. This course being open to them, and they knowing that they could not be legally voted for unless announced, it was their duty to resort to it and not to insist on their candidacy when not announced, and not having their names printed on any ballot furnished by the Chairman. If the rules and regulations can be disregarded in the manner attempted in this case and such action is encouraged by the Courts, we see no reason why they can not be set aside at the will of every candidate who sees fit to disregard them.

There is an abundance of authority that mandamus will lie in such a case; see Spelling's Extraordinary Relief, Title, "Mandamus Pertaining to Elections," Sec. 1566, Vol. 2, page 1257; Commonwealth vs. Stucker, 18 County Court Reports, 591; Clay's Nomination, 12 County Court Reports, 419; 6 Am. & Eng. Enc. Law, page 379.

THE FAMOUS HEART BLOW.

Much evidence was introduced under the offer to show that throughout this whole transaction the Chairman was not acting in good faith with the different candidates and did not give them full information as to the condition of the treasury and that he concealed from them data important for them to know, but we still think, as we frequently intimated at the hearing, that this is not material to the issue. The right of these candidates to have their names printed on the official ballots can not be determined by the question as to whether or not Chairman Berkley did his full duty in the premises, but the question is as to whether he and the candidates together took the necessary steps to qualify the latter as candidates under the rules of the party. If they did not, they are not entitled to have their names printed on the official ballot, regardless of the reasons as to why the proper steps were not taken.

We conclude that Chairman Berkley was warranted by reason, by precedent and by a fair construction of the rules of the party in demanding of the candidates that they pay or agree to pay their proportionate shares of the amounts necessary to enable him to pay the expenses he was expected to pay under the rules; and while we have intimated that we ought not to be called upon to decide the question as to whether such an assessment was necessary, and that he was the sole judge as to whether an assessment was necessary, and that they had their remedy if he was mistaken or imposed upon them, yet we have no hesitation in saying that if the precedents of former years were followed it would require more money to hold the primaries than he had in his hands; and we do not feel called upon to reverse any of these precedents. It follows that Miller and Shaffer, having failed to pay the assessments required of them, he was warranted in declining to announce their names; and their names not having been announced to the voters of the county, and not having appeared upon any list of candidates furnished by the Chairman to the voters, that they were not legally voted for and that no convention of return judges convened to count that vote can make them legal candidates, and therefore the objections to their certificate must prevail.

A BRAIN-CLOUT.

It follows from the above that there was but one candidate to be voted for at the primaries for the office of Director of the Poor and but one candidate for Jury Commissioner; and this being the case it is idle to say that it was necessary to spend the amount necessary to hold the primaries, whether the Act of June 22, 1897, applies to the case or not, (that Act provided that where there shall be no more candidates for any office than are to be elected to such office the persons remaining as candidates shall be deemed the nominee or nominees," etc.,) especially since precedents exist in the county for not holding primaries in cases where there was only one candidate for each office to be filled: this occurred in 1885 and in 1895, we believe, when no primaries were held. It seems to us that it is unnecessary to elaborate further, as we have already given our reasons at greater length, probably, than was necessary.

And now, October 4, 1897, this case having been fully heard and argued, after full consideration the objections filed to the certificate of nomination of Manasses Shoemaker for the office of Director of the Poor and Ephraim Coleman for the office of Jury Commissioner are overruled, and the Prothonotary is directed to furnish the County Commissioners a certified copy of this decree.

By the Court,

A. V. BARKER,
Pres. Judge 47th Jud. Dist.
Specially Presiding.

ROYAL BAKING POWDER
Absolutely Pure

Dress Goods Opening
...AND...
Special Display at our Store on
OCTOBER 1st.

Never have we had so many goods to display as at this time. With one hundred new Patterns and Styles in Dress Goods, and more than two hundred Capes and Jackets, a special day for all to see them has been arranged.

Dress Goods Department Booming.

All-wool Novelty Dress Goods 25c

From the Loom to us come some of the striking Fabrics that only the early buyers catch. All-wool 38-inch Suitings, and a number of Novelties ranging from 35 to 50 per yd.

The Vendome Cloth is very striking. Only one pattern of a style, from $6 to $12.50 each.

Henry Burket Cloth, 52 inches wide, very heavy Blue, Green and Black, 90c.

Broad Cloth, 45c, 50c, 75c, 85c, and $1.00 per yd.

6 yards 50-inch all-wool Black 50 cent Serge for $2.49.

Big Stock UNDERWEAR.

All shades. See what we have to offer in this line.

400 Ladies' Ribbed Long Sleeve Vests. 2 Vests for 25c.

500 Ladies' extra White or Grey Vests 20 and 25c.

Ladies' Full Regular Made Union Suits, 48c.

In our stock can be found the celebrated Oneita Union Suits at $1.00 and $1.25 each.

Natural Wool and Scarlet Underwear, at 48c.

Big Heavy GREY BLANKETS,

Extra weight. The price $1.00.

Special values in all-wool White Blankets.

Bed Comforts, well made, 49c.

The better grade, 75c, 98c, $1.23.

Mens' Underwear, Heavy Grey Merino. Think of the full suit, 48c.

Still better. Heavy Jersey, Fleece Lined, Shirt and Drawers, for both 75c.

We pride ourselves on our higher grades, each 50c, 75c, $1.00, $1.25, & $1.50.

One of the largest assortments of Ladies' Cloaks and Capes ever shown here is now ready for inspection at our store.

The Stylish Cape.

Silk Lined.

Fall Jackets.

The Correct Length, Giving the Latest Sleeve.

Owing to our large stock, we have been compelled to arrange a seperate department for this line. Great stress is laid upon the cut and fit of our Wraps.

Our Boys' and Men's Clothing Department has exceeded our most sanguine expectations. Those whom we sell once we will continue to sell, as every suit is made in the best possible manner and sold on its merits for just what it is.

Respectfully yours,

Shepherd & Kuykendall,
SOMERSET, PA.

And Now He's Sorry That He Spoke.

"When you go to your homes rest assured that what has been done has been done honestly, that it has been done in the interest of the Republicans of the county, and that it has been done under their rules and under the law. More than that we cannot ask."—From F. J. Kooser's address in the "fake" convention.

Mr. Kooser might have more appropriately and with greater truth, said: When you go to your homes rest assured that what has been done has been at my dictation, that it has been done in the interests of the party wreckers who have been seeking to overthrow the Republican organization in State and County for years past, and that it has been done in utter disregard of party rules and in violation of law. You have faithfully done my bidding and assisted in "faking" hundreds of honest and steadfast Republicans. More than that I can not ask.

A choice new line of Dress Goods, Ladies' Miss and Childrens' Wraps will be displayed at the Buckman House, Rockwood, Pa., on Thursday, Oct. 7th, by Shepherd & Kay-Kendall. Only the latest styles will be shown.

Clear the Track.

"Thousands of those who did not appear at the election were political friends of those who did appear, and who not deceived would come to the front with their votes as heretofore."—From F. J. Kooser's address in the "fake" convention.

Clear the track for Mr. Kooser's cohorts on Tuesday, the 2nd day of November. The members of the Republican party will be trampled under the feet of his routed army of "fakirs." Not a grease spot will be left.

"Away With Melancholy.

And bid dull care avaunt," sounds very well in verse, but if you have a case of the "blues" caused by indigestion, with bilious ness added on as an extra horror, you cannot say hey! presto! and thus insure the departure of those abominable twins. The "proper caper" when thus troubled, is to seek the aid of Hostetter's Stomach Bitters. Thereafter you will speedily digest with ease and eat with appetite, and your liver will reassert its right to regularity. Not only this, you can retire without a horrible dread that the Washington monument will—in dreams—impose itself upon the pit of your stomach. If you feel premonitory symptoms of chills and fever, kidney trouble, or rheumatism, summon the Bitters to the rescue without delay, "lest a worse thing befall you." A feeble condition of the system is more speedily changed to a vigorous one by this fine tonic than by any other medicinal agent in existence. A wineglassful three times a day.

Come Down Zacchaeus.

"Mr. Kooser said it was gratifying that the convention had been without friction or tumult, and that when properly considered by cool-thinking, honest Republicans, and by the Court, it will be found to have been entirely within the rules of the party, regular and legal and that it will be sustained, The speaker said that the candidates declared nominated by this convention, representing the votes of the people, will be the legal nominees of the Republican party in the coming November election; that the Chairman has no more power to call off a primary election than has the Sheriff to call off a fall election; that the rules of the party are as binding law upon the party as are the statutes of Pennsylvania upon the people of Pennsylvania. And the courts, when such questions can be called into court, accept the rules of the party as their law for interpretation."—From F. J. Kooser's address in the "fake" convention.

Mr. Kooser enjoys a fair reputation as an attorney and as a counsellor, but when the above extract is compared with the opinion of the Court, the most charitable view that can be placed upon it is that the speaker's zeal ran away with his discretion. Fortunately for the Republican voters of the county their party fealty is not to be determined by Mr. Kooser's construction of the rules.

Modern Housework.

May be done more easily, more conveniently and with less expense on the Cinderella Range than with many others; all the old objections to ranges removed.

It will save you time, money and hard work. It is a good baker and is sold with that understanding. Sold by

JAS. B. HOLDERBAUM,
Somerset.

Make Way for the Elephant.

"A handful were simply struggling, in violation of rule and in antagonism to party good, to retain power that the party before to-day had announced should not be theirs."—From F. J. Kooser's address in the "fake" convention.

It is now in order for Mr. Kooser to present a diagram of the party to which he referred. Surely he could not have had the grand old Republican party, which he has so frequently and unsuccessfully attempted to disrupt, in view. No one will dispute with him, unless perhaps it might be General Coffroth, as to who owns the nameless party recently voting at their behest.

At the National Hotel Parlors, Berlin, Pa., on Friday, Oct. 8th, will be displayed the newest things in Ladies' and Childrens' stylish fall Wraps, including a choice line of Dress Goods and Trimmings by SHEPHERD & KUYKENDALL.

Prompt Payment of Life Insurance.

SOMERSET, Pa., Sept. 29, 1897.

Major Howard Morton,—
Manager Mutual Reserve Fund Life Association, Pittsburg, Pa.

Dear Sir:—I desire to thank your association for the promptness with which you paid my claim under policy No. 11,794, for three thousand dollars, on the life of my late mother, Mrs. Maria J. Weimer. The entire transaction was devoid of red tape and did not occupy more than five minutes of my time. Wishing you every success, I remain,

Yours truly,
FRANK M. WEIMER.

P. S.—If the late Maria J. Weimer had taken an ordinary life policy in an Old System Company and paid the same amount in premiums as she paid the Mutual Reserve, her son would only have received $1,242, instead of $3,000. Gain by being insured in the Mutual Reserve, $1,758.

A Great Surprise is in Store

for those who will go to-day and get a package of GRAIN-O. It takes the place of coffee at about ¼ the cost. It is a food drink, full of health, and can be given to the children as well as the adult with great benefit. It is made of pure grains and looks and tastes like the finest grades of Mocha or Java coffee. It satisfies everyone. A cup of Grain-O is better for the system than a tonic, because its benefit is permanent. What coffee breakdown Grain-O builds up. Ask your grocer for Grain-O. 15c. and 25c.

B. & B.

extra inducement

for coming to the Pittsburg Exposition—Sousa's Band will be there Oct. 11 to 16—most celebrated musical organization in America. Excursion rates on the railroads—quick street car connections from Exposition direct to this store, where you can see for yourself the values we're offering in

new things to wear

—new Silks and Dress Goods—new Capes, Suits, Jackets, Waists, Children's garments-larger assortments of choice styles than ever before on the shelves and counters and racks of this store.

Cloth Capes, $3.00 to $30.00.
Ladies' Jackets, $5.00 to $85.00.
Jacket values, in material, style and tailoring at $6.50, $8.50, $10.00, $12.50, that will surprise every woman who comes and sees.
Misses' Jackets, $4.00 to $30.00.

Two things to remember specially—see when you come, or write for samples of new Wool