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TIONESTA, PA., WEDNESDAY, JANUARY 7, 1903.

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RATES OF ADVERTISING:

One Square, one inch, one week... 1 00
One Square, one inch, one month... 3 00
One Square, one inch, 3 months... 5 00
One Square, one inch, one year... 15 00
Two Squares, one year... 30 00
Quarter Column, one year... 20 00
Half Column, one year... 50 00
One Column, one year... 100 00
Legal advertisements ten cents per line each insertion.
We do fine Job Printing of every description at reasonable rates, but it's cash on delivery.

OFFICERS.
Bishop,
T. Dale, W. F. Blum,
G. O. Gaston, J. B. Muse,
F. Landers,
C. A. Randall, S.
Maxwell,
J. J. Kelly,
L. Fulton, J. O.
Wright, Patrick Joyce, L.
H.
COUNTY OFFICERS.
Joseph O. Sibley,
R. P. Hall,
M. Lindsay,
H. Crawford, W.
Recorder, &c.
Noble,
A. Keller,
R. H. Bushnell, A. K.
W.
S. D. Irwin,
Ernest Sibley,
W. H. Morrow,
W. H. Siles, Geo.
D. A. McCloskey,
E. K. Stitzinger,
Secretary of Court.
Secretary of February.
Secretary of May.
Secretary of September.
Secretary of November.
Sabbath School at 9:45 a. m.
Sabbath School at 10:30 a. m.
Church every Sabbath morning and evening.
Meetings of the W. C. T. U.
North, Tuesdays of each month.
BIBLE No. 309, L. O. O. F.
No. 184, A. O. U. W.
St. 1st and 3d Monday
St. 1st and 3d Monday
No. 164, E. O. T.
No. 164, E. O. T.
ATTORNEY-AT-LAW,
Tionesta, Pa.
M. HAWKEY,
ATTORNEY-AT-LAW,
Warren, Pa.
Practice in Forest Co.
ATTORNEY-AT-LAW,
Tionesta, Pa.
M. D.
Surgeon & Dentist.
Residence three doors north
Tionesta. Professional
responded to at all hours.
Physician & Surgeon,
TIONESTA, PA.
M. D.
AND SURGEON,
Tionesta, Pa.
Professional calls promptly
at all hours of day or
night. Residence—Elm St., between
Gerry and Gerow's restaurant.
Physician and Surgeon on
residence above The Davis
OIL CITY, PA.
LANNON,
Hardware, Tinning & Plumbing.
TIONESTA, PA.
SETLEY,
JUSTICE OF THE PEACE,
A complete line of Justice's blanks
Also blank deeds, mortgages,
TIONESTA, PA.
WEAVER,
E. A. WEAVER, Proprietor.
This hotel, formerly the Lawrence
has undergone a complete change,
and is now furnished with all the modern
improvements. Heated and lighted
throughout with natural gas, bathrooms,
hot and cold water, etc. The comforts of
home never neglected.
CENTRAL HOUSE,
GEROW & GEROW Proprietors.
This is the most centrally
located hotel in the place, and has all the
modern improvements. No pains will
be spared to make it a pleasant stopping
place for the traveling public. First
class liquor in connection.
EMERT
FANCY BOOT & SHOEMAKER
Shop in Walters building, Cor. Elm
and Walnut streets. Is prepared to do a
kind of custom work from the finest
materials and guarantees his work to
be perfect satisfaction. Prompt attention
given to mending, and prices reasonable.
HARNES, COLLARS, BRIDLES,
And all kinds of
HORSE FURNISHING GOODS.
TIONESTA, PA.
S. H. HASLET & SON,
GENERAL MERCHANTS,
Furniture Dealers,
—AND—
UNDERTAKERS.
TIONESTA, PENN

PACIFIC CABLEWORKING
Hawaii Connected With Rest of World.
Trade Commission Proclaimed Emperor—Victory Won at Olymphan Cave-in at Olymphan Cave-in at Olymphan.
The following cablegram was received at the White House at 1:30 o'clock this morning, dated Honolulu, Jan. 6, 1903.
"The President of the Hawaiian Islands sends greetings to you and expresses gratification at the inauguration telegraph communication with the mainland. We believe that the laying of the dispatch of isolated prove a strong factor in the building of a patriot and progressive American Commonwealth in these islands.
"George B. Colyton, Secretary to the President."
Cave-in at Olymphan.
Abandoned workings of the Eddy Creek colliery of the Deawaro and Hudson company beneath the town of Olymphan caved in Friday and engulfed four buildings covering an aggregate ground space of 5,000 feet. The setting was gradual and people in the affected territory escaped without being endangered. A gang of men and boys who were at work in the mine before the fall, encountered a flooded "dip" or depression in a vein in making their way out by a circuitous route and had to swim from one rise to the other. No one, either above or below ground, however, sustained any injury.
Through Electric Line.
An agreement has been reached by the representatives of the Toledo and Western, the Garret, Auburn and Northern Indiana and the Chicago and Indiana Air Line railroad companies for a through electric line between Toledo and Chicago. The Toledo and Western railroad has already been constructed as far as Fayette, near the Indiana state line. The project is being pushed by a syndicate headed by Judge C. M. Stone, Luther M. Allen and J. E. Seagraves of Cleveland, who are building the Toledo and Western.
Mrs. Grant's Presents.
A valuable collection of relics of the tour of President and Mrs. Grant around the world were placed on New Year's day for the first time on public exhibition in the National Museum at Washington.
Their transfer to the government was provided for in the will of Mrs. Grant, to whom they were originally presented.
The collection was placed beside that of General Grant's relics which have been in the government's custody for several years.
Trousers Pocket Burglar.
Fred Penn, son of the late George Penn, one of the wealthiest men of Syracuse, N. Y., 19 years ago, was arrested last Sunday night on suspicion of being the mysterious "trousers pocket burglar" whose operations have baffled the police for the past year. Four sources were entered Saturday night and the occupant of one declared Penn is the man seen at work in the house. He denies any knowledge of the affair and his friends say he was absent in his room when the burglaries occurred. Young Penn was formerly prominent socially.
Bad Elephant Executed.
Several hundred people witnessed Sunday the execution by electricity at Coney Island of "Topsy," an elephant who had killed three men and had recently become unmanageable.
The execution was conducted under the supervision of the Society for Prevention of Cruelty to Animals.
"Topsy" was about 35 years old and was the first baby elephant exhibited in this country, she being brought here by Adam Forepaugh 28 years ago. She was nearly 10 feet high and weighed about four tons.
Second Inauguration.
For the first time in 15 years there was no retiring governor to welcome the incoming governor of the state of New York at noon New Year's day when the inaugural ceremony took place at Albany in the assembly chamber of the state Capitol, and Benjamin B. Odell, Jr., the first governor to be re-elected since David B. Hill succeeded himself in 1888, took the oath of office, and delivered his second inaugural address.
Care of Bartholdi Statue.
Secretary Root has received a letter from the commission having charge of the Statue of Liberty on Bedloe Island, New York, suggesting the advisability of congressional action providing for the transfer of the statue to the government.

falling off in production and shipment of this sorely needed commodity.
Price fluctuations for the week are few. The cereals are lower except for oats. Of the leading staples, cotton is stronger on the week on moderate receipts and the strong statistical position, but more immediately upon the rumors of a coming "squeeze" in January.
Wheat, including flour, exports for the week ending Jan. 1 aggregate 3,336,206 bushels, against 3,560,486 bushels last week, 4,818,471 bushels in this week a year ago and 3,214,301 bushels in 1901. Wheat exports since July 1 aggregate 130,660,225 bushels, against 149,746,227 bushels last season and 97,913,819 bushels in 1900.
Corn exports aggregate 2,537,542 bushels, against 1,502,551 bushels last week, 270,236 bushels a year ago and 4,470,521 bushels in 1901.
For the fiscal year exports are 10,726,420 bushels against 20,820,481 bushels last season and 98,858,660 bushels in 1901.
Brilliant New Year's Reception.
President Roosevelt's New Year's reception was one of the most brilliant events in Washington's recent social history.
The general public, for the first time, had an opportunity to see the widely heralded improvements in the White House—improvements which when completed will have cost \$500,000. The changes made were a revelation.
Just 102 years ago President John Adams and wife opened the White House with a new year's reception. The dawn of the first fete day within the walls since become historic was accompanied by the noise of saw and hammer, as it was this year. While the improvements now are more nearly completed than was the mansion itself at that time, it will be several months before the workers shall have finished their task.
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FRANCHISE TAX LAW.
Declared Unconstitutional by Third Appellate Division.
Future Revenues of \$4,000,000 a Year Are Involved—Decision of Judge Robert Earl as Referee Set Aside. State Will Appeal to Higher Court. Important Decision.
Albany, Jan. 6.—It is said here that the Third appellate division of the supreme court will, within 24 hours, hand down a decision declaring the franchise tax law passed by the legislature of 1899 unconstitutional so far as it relates to the state constitution.
The decision is expected at noon today and is one of the most important both to the state and corporations, ever given in this state.
So far \$12,000,000 in taxes is involved, the state by the decision practically losing that amount of money and the corporations gaining it, while at least four million dollars a year in future revenues also are involved.
The constitutionality of the franchise tax law was attacked by the interested corporations on two propositions, namely:
First, That it violated the home rule provision of the state constitution in that it gave to the state board of tax commissioners the power to assess real estate for the purposes of local taxation, a power which is reposed in local boards of assessors.
Second, That it violated the provisions of the national constitution which holds inviolable contracts made between individuals, corporations or other corporate bodies.
It was also alleged that it violated the national constitution because a corporation when granted the privilege of using streets and highways for the purpose of their corporate existence entered into a contract with the power vested by statute to grant them the franchises, which constituted a contract beyond the power of the legislature or any public body to modify or to break.
The litigation to test the constitutionality of the franchise tax law has been in progress for the past two years. It was instituted originally through the procurement by the corporations affected of a writ of certiorari for a review by the board of tax commissioners under the special franchise tax act.
Corporations operating 47 of the largest franchises in Greater New York combined in a test case to carry the litigation to the court of appeals and higher if necessary.
Writs of certiorari procured in the Third judicial district were referred by Justice D. Cady Herrick to former Chief Judge Robert Earl of the court of appeals as referee. Judge Earl took testimony and heard arguments covering a period of several months.
Last spring he handed down a decision declaring the franchise tax act to be constitutional in all its features, and upholding its interpretation by the state board of tax commissioners in all but one point. The board had assessed special franchises at their full value whereas, according to his interpretation, they should have been assessed at the same rate as other species of real estate in the same tax districts.
Justice D. Cady Herrick affirmed pro forma and without opinion the decision of Judge Earl for the purpose of permitting an appeal to be taken as expeditiously as possible to the appellate division. This appeal was taken and argued at the December session of the appellate division, Third department. If the adverse decision is handed down the state will appeal to the higher court.
Officers Held For Smuggling.
San Juan, P. R., Jan. 6.—In the matter of the so-called smuggling cases which have been heard before United States Commissioner Anderson, Lieutenant Commander George W. Mentz, U. S. N., and Supervisor of Elections Benjamin Butler have been held for trial by the federal court on the charge of receiving and facilitating the transportation of smuggled goods. A bond of \$1,000 was required in each case but the personal recognizances of Lieutenant Commander Mentz and Mr. Butler were accepted. There are to be no further hearings before Commissioner Anderson.
Wounded Soldier Appointed.
Washington, Jan. 6.—The president has directed the appointment of Captain Louis B. Lawton, 26th infantry, to be major in the judge advocate general's department. Major Lawton was badly wounded while with Colonel Liscum's column in the assault on Tien Tsin. His injury is permanent and he will be retired at once with his increased rank.
International Commercial Museum.
Paris, Jan. 6.—A movement has been started to establish in Paris an international commercial museum similar to the one in Philadelphia, where will be collected samples of the materials produced and consumed throughout the world, thus giving an exact idea of the work and needs of the inhabitants of the entire earth.
Improving on Euclid.
The Pioneer of Alahabad tells stories of some "kindergarten" classes in the English army. Among the definitions given in an examination is one of a circle peculiarly happy, which gives a freshness to Euclid. It is "A straight line which starts at a certain point and gets back to the same point as quickly as possible."
MORO DEFIANCE.
Compilment to American Soldiers by Sultan of Bacalod.
Washington, Jan. 6.—"Swine who eat swine," is the latest compliment tendered American soldiers in Mindanao by the Sultan of Bacalod and the Panadungan of that place. These two Filipino "braves" of the Moro tribe have caused the American troops no little annoyance since the occupation, by their guerrilla warfare.
The following is an example of the letters received at the war department in the last Philippine mail. It was sent to the American officers in Mindanao bearing the imprint of the sultan and the Panadungan of Bacalod:
"Dear Sir, I am glad to hear of you here and go back to the sea, because neither the Sultan of Bacalod nor the Panadungan wants to be your friend. Within this month we want the war to begin and if you do not want it you are a lot of cowardly rascals.
"Follow our Mohammedan religion.
"Do not look for the Mausers, for we have them. They were captured by Bantuas and Buarsing, people of the Sultan of Bacalod.
"We send our regards to the four generals and their vermin. If you do not want to go from here, come to this place and the sultan and panadungan will take care of you, for you are a lot of hogs that eat hogs, and in not presenting yourselves at Bacalod look out for we shall go to fight you."
The advices show that neighbors of the Bacalod chiefs are quite friendly to the Americans, the Sultan of Uato having visited Camp Vicars.
SULTAN'S POSITION IMPROVED.
Denial From Spain of a Joint Naval Demonstration.
Paris, Jan. 6.—The Madrid correspondent of the Temps says in a dispatch that advices received in Spain from Tangiers indicate that the situation of the Sultan of Morocco has improved since he released his brother, who has been favorably received by the natives.
Chief Gogul, who has retired to the mountains.
Premier Silvela denies that a joint naval demonstration against Morocco is projected. He says that on the contrary the Spanish sloop of war Infanta Isabel has been recalled from Tangier as proof that the powers do not intend to intervene in what is considered a question regarding Morocco alone.
Premier Silvela has presented to King Alfonso official dispatches confirming the retreat of the pretender to the Moroccan throne, thus allowing the sultan to reorganize the army and stamp out the insurrection.
Action Against Coal Dealers.
Chicago, Jan. 6.—The directors of the Illinois Manufacturers association held a meeting to consider the advisability of instituting criminal proceedings against the coal dealers and coal carrying railroads charged with being responsible for the present fuel famine. Evidence gathered during a fortnight by the various members of the organization, which evidence is said to show the existence of a conspiracy to extort high prices from consumers, was considered at great length and the conference resulted in the appointment of a committee with instructions to continue the investigation and report at a future meeting.
Reindeer in Alaska.
Washington, Jan. 6.—The secretary of the Interior has transmitted to the senate a report by the commissioners of education on the introduction of domestic reindeer into Alaska. It shows that there are nine stations between Point Barrow and the Moravian settlement at Bethel, a distance of 700 miles, where reindeer herds have been distributed. The number of fawns born last year and still living is stated at 1,654, which the report says settles beyond doubt the question of the successful introduction of reindeer into Alaska. The report also says the Eskimos make good herders and teamsters.
Mother of Four Infants.
Toledo, O., Jan. 6.—Mrs. Stanislaus Sychalski is the mother of four infants, three of whom came Sunday night and the fourth Monday. The mother and her quartette are well and strong. Mrs. Sychalski was already the mother of one child, less than a year old.
Salmon Fishing Closed.
Washington, Jan. 6.—Secretary Shaw has signed an order closing the streams in Southeastern Alaska against salmon fishing until July 1. This action is taken with a view to preventing the threatened destruction of the fishing industry.
Great Men and Large Families.
A careful study of the circumstances of birth and childhood of what were considered to be the fifty greatest men of modern times disclosed the fact, interesting in comparison, that the average great man was born in a family of six children, not including half brothers or half sisters. It was figured from the data that the chances for greatness in a child are two to one in favor of the older half of the family.
Captured 15 Vessels.
Berlin Paper Condemns Action of Commodore as Barbarous.
Berlin, Jan. 6.—Commodore Scheder telegraphed that the Germans on Saturday seized 15 large Venezuelan sailing vessels at Porto Cabello. The prizes were towed by warships to Los Roques, where they remain under guard.
Commodore Scheder, in his dispatch, made no mention of the seizure of the cutch house at Porto Cabello.
The captured vessels being private property, the Vossische Zeitung condemns the action of the commodore as barbarous, "a thorough legal under international maritime practice," says it supposes the German government disapproves of the seizure and quotes Chancellor von Bülow's statements made in his speech in the reichstag Jan. 19, 1900, when he said:
"The German empire would not refuse its consent and support if a proper presented itself for a more precise definition through international agreement of the controverted points of maritime law than has hitherto prevailed."
The chancellor's declaration referred also to private property rights during a naval war and he added:
"Maritime law is still very elastic and under the existing circumstances might too often decide right at sea. In other words the standpoint of force has not yet been overmastered by the standpoint of justice."
Good Catch of Herring.
St. Johns, N. F., Jan. 6.—A prolonged period of mild weather has seriously affected the frozen herring industry in Newfoundland waters and a number of American fishing vessels will have to await a long while before they can secure cargoes. The herring fishery at Bay of Islands was unusually good to the end of last year, 160,000 barrels of herring being taken. The catch is valued at \$250,000.
Deadlock in Delaware.
Dover, Del., Jan. 6.—With three-fourths of the members on the ground the outlook is that a deadlock will delay the organization of the Delaware legislature which assembles here today. It is now known that the legislature is divided into 21 Democrats, 21 Union or Adickes Republicans, 9 regular or anti-Adickes Republicans, and 1 Republican whose status is in doubt.
Swit Served on Princess.
Bern, Switzerland, Jan. 6.—The writ which the German consul at Geneva purposes to serve upon the Crown Princess of Saxony is a petition for judicial separation. The document requests the crown princess to return to Dresden and appear Jan. 28 before the special tribunal. The princess, on the other hand, demands absolute divorce from the crown prince.
Mr. Schwab Takes Full Amount.
New York, Jan. 6.—President C. M. Schwab of the United States Steel corporation has cashed from Europe to the officers of the corporation asking that 60 shares of preferred stock be allotted him under the offer recently made to all employees. Sixty shares is the maximum amount Mr. Schwab could apply for.
MARKET REPORT.
New York Provision Market.
New York, Jan. 5.
WHEAT—No. 2 red, 75 1/2 c. f. o. b. afloat; No. 1 northern, Duluth, 85 1/2 c.
CORN—No. 2 corn, 55 c. f. o. b. afloat.
OATS—No. 2 oats, 38 1/2 c.; No. 2 white, 41 c.; No. 3 white, 40 1/2 c.
PORK—Meas, \$18.25@18.75; family, \$18.00.
HAY—Shipping, 55@70c; good to choice, 95@100.
BUTTER—Creamery, extras, 29c; factory, 21c; imitation creamery, western fancy, 22c.
CHEESE—Fancy large white, 13 1/4 @12 1/2 c.; small white, 14c.
EGGS—State and Pennsylvania, 32@33c.
POTATOES—New York, per 100 lbs., \$1.00@2.00.
Buffalo Provision Market.
Buffalo, Jan. 5.
WHEAT—No. 1 northern, 80c; winter wheat, No. 2 red, 78c.
CORN—No. 3 yellow, 53c f. o. b. afloat; No. 4 yellow, 50 1/2 c.
OATS—No. 2 white, 37 1/4 @37 1/2 c. f. o. b. afloat; No. 3 white, 36 1/2 c.
FLOUR—Spring wheat, best patent per bl., \$4.25@4.50; low grades, \$2.75@3.00.
BUTTER—Creamery western extra tubs, 29c; state and Pennsylvania creamery, 27@28c; dairy, fair to good, 22@24c.
CHEESE—Fancy full cream, 14c; good to choice, 13@13 1/2 c.; common to fair, 11 1/2 @12 1/2 c.
EGGS—State, fresh fancy, 27@28c.
POTATOES—Per bushel, 62@63c.
East Buffalo Live Stock Market.
CATTLE—Best steers on sale, \$5.49 @5.90; good to choice shipping steers, \$4.75@5.00; fair to good steers, \$4.50 @4.65; common to fair heifers, \$4.15 @3.60; choice to extra fat heifers, \$4.10@4.25; good butcher bulls, \$3.00@3.50.
SHEEP AND LAMBS—Top native lambs, \$5.75@5.90; fair to good, \$5.25 @5.50; culls and common, \$3.00@3.75; good to prime wethers, \$4.00@4.25.
HOGS—Mixed packers' grades, \$6.40 @6.50; medium, \$6.50@6.60; choice 220 lbs and upwards, \$6.55@6.60.
Buffalo Hay Market.
HAY—Timothy, per ton, 10.00, 10.50@11.00; hay prime on track, per ton, \$15.50@16.00; No. 1 do, do, \$13.50 @14.50; No. 2 do, do, \$11.00@12.00.

Pointed Paragraphs Chronicling the Week's Doings.
Long Dispatches From Various Parts of the World Shorn of Their Padding and Only Facts Given in as Few Words as Possible For the Benefit of the Hurried Reader.
Wednesday.
Dr. Arthur Macdonald declared, in a report to congress, that crime is increasing faster than population.
Scientists discussing Dr. Alexander Graham Bell's theory believe he has accomplished tangible results in the flying machine problem.
The Sultan of Morocco has barricaded himself in his palace at Fez, awaiting the rebel's attack, and Spain has sent a cruiser to Tangier.
Lord Curzon of Kedleston, viceroy of India, accompanied by Lady Curzon, made his state entry into Delhi, preparatory to the coronation durbar.
William Mason, who said he was "broke" and hungry, smashed the window of Simpson & Co.'s pawnbroking establishment in Forty-second street, New York, stealing diamonds worth \$10,000, being captured and badly beaten, but the jewels were not found.
Thursday.
The Sultan of Morocco is reported to have been foiled in an attempt to break out of Fez.
Germany's naval budget provides for the immediate laying down of two battleships, one armored and two small cruisers and five torpedo boats.
William S. Gridley and Edna Ranney, both of Syracuse, were arrested, charged with defrauding Cornelius Van Cott, New York's postmaster, of \$21,000.
Acid pellets, to be carried in vest pockets and placed in a glass of water before drinking, is the remedy proposed by the Chicago board of health as a preventive of typhoid fever.
New York capitalists have acquired control of the great electric power plants at Niagara, Sau't Ste. Marie and in Colorado and Montana, having invested, it is said, more than \$50,000,000.
Friday.
Two French explorers have sailed for Tunis with the object of trying to cross the desert of Sahara in a balloon.
Much military pomp was displayed at the second inauguration of Governor Odell Thursday at Albany.
Announcement of a plan of profit sharing with all officers and employees of the Steel Trust has been made.
Lady Curzon of Kedleston, nee Leicester, wife of the viceroy of India, has received the Kaiser-Imperial gold medal for public services in India.
Spain has made military and naval preparations for dispatching an expedition to Morocco should developments in the rebellion against the sultan require it.
Saturday.
King Edward was proclaimed Emperor of India at the great durbar in Delhi.
San Francisco and Honolulu are now connected by cable. The first words passed under the ocean at 11 o'clock Thursday night.
Governor Odell, in his inaugural address, declared corporations enjoying special privileges should be willing to pay for such grants.
A quantity of dynamite exploded in one of the gangways of the Oak Hill colliery at Minersville, Pa., killing three miners and injuring a dozen.
Emperor William intends to include in the commission to bring his gift of a statue of Frederick the Great to America descendants of German officers who fought under Washington.
Monday.
Senator Platt has denied that there is any rupture between himself and Governor Odell. He declared that he is sure of re-election.
The first formal congratulatory message over the cable between Hawaii and the United States was sent to President Roosevelt.
Senator Hoar made public his anti-trust bill, provisions of which are more drastic than those of any measures heretofore introduced in congress.
Citizens of Indianapolis, Miss., must submit to a negro postmaster, as he is deprived of their postoffice, according to a decision by President Roosevelt.
President Castro of Venezuela, in his answer to the allies, accepted the principle of arbitration, but asked that the case be decided by an American republic instead of by The Hague tribunal.
Tuesday.
Dr. Ephraim W. Gantt, late editor of the Lockport Union, died in that city, aged 75.
Senator Lodge introduced a bill suspending for 90 days the duty on coal imported into the United States.
Berlin newspapers demand Germany's claims against Venezuela be pressed regardless of Monroe doctrine.
Senators Dewey of New York and McCooms of Maryland declared their advocacy of legislation providing for publicity for trusts.
Commodore Scheder telegraphed to Berlin that the Germans on Saturday captured 15 large Venezuelan sailing vessels at Porto Cabello.
It is reported that Japan is relinquishing her claim to Marcus Island and is willing to allow the United States to take possession.

DECLARED UNCONSTITUTIONAL BY THIRD APPELLATE DIVISION.
Future Revenues of \$4,000,000 a Year Are Involved—Decision of Judge Robert Earl as Referee Set Aside. State Will Appeal to Higher Court. Important Decision.
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It was also alleged that it violated the national constitution because a corporation when granted the privilege of using streets and highways for the purpose of their corporate existence entered into a contract with the power vested by statute to grant them the franchises, which constituted a contract beyond the power of the legislature or any public body to modify or to break.
The litigation to test the constitutionality of the franchise tax law has been in progress for the past two years. It was instituted originally through the procurement by the corporations affected of a writ of certiorari for a review by the board of tax commissioners under the special franchise tax act.
Corporations operating 47 of the largest franchises in Greater New York combined in a test case to carry the litigation to the court of appeals and higher if necessary.
Writs of certiorari procured in the Third judicial district were referred by Justice D. Cady Herrick to former Chief Judge Robert Earl of the court of appeals as referee. Judge Earl took testimony and heard arguments covering a period of several months.
Last spring he handed down a decision declaring the franchise tax act to be constitutional in all its features, and upholding its interpretation by the state board of tax commissioners in all but one point. The board had assessed special franchises at their full value whereas, according to his interpretation, they should have been assessed at the same rate as other species of real estate in the same tax districts.
Justice D. Cady Herrick affirmed pro forma and without opinion the decision of Judge Earl for the purpose of permitting an appeal to be taken as expeditiously as possible to the appellate division. This appeal was taken and argued at the December session of the appellate division, Third department. If the adverse decision is handed down the state will appeal to the higher court.

FRANCHISE TAX LAW.
Declared Unconstitutional by Third Appellate Division.
Future Revenues of \$4,000,000 a Year Are Involved—Decision of Judge Robert Earl as Referee Set Aside. State Will Appeal to Higher Court. Important Decision.
Albany, Jan. 6.—It is said here that the Third appellate division of the supreme court will, within 24 hours, hand down a decision declaring the franchise tax law passed by the legislature of 1899 unconstitutional so far as it relates to the state constitution.
The decision is expected at noon today and is one of the most important both to the state and corporations, ever given in this state.
So far \$12,000,000 in taxes is involved, the state by the decision practically losing that amount of money and the corporations gaining it, while at least four million dollars a year in future revenues also are involved.
The constitutionality of the franchise tax law was attacked by the interested corporations on two propositions, namely:
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