

Republican News Item
CHAS. LOREN WING, Editor.
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Harrisburg, May 29.—A decision which will have far reaching influence upon the politics of this state was given last week by Judge Hemphill, of the Chester county court, in a case in which there was an issue as to the interpretation of the rules of the Republican party in that county. Action was brought against a judge of a Republican primary election who refused to accept the vote of a man who had not supported the full Republican ticket at the election last November for members of the legislature. While for years this man had been looked upon as a Republican and he had probably always voted the Republican ticket before that time, he turned in with the insurgents and voted for the fusion candidates for the legislature, who included Democrats and former Republicans. When the next Republican primary election was held this individual went to the polls and sought to participate in the election of Republican delegates. His vote was challenged and the judge of the election refused to accept his ballot. There were, of course, expressions of great indignation from the men who had worked with him to defeat the regular Republican candidates at the preceding election. They made all sorts of threats as to what they would do with this Republican election judge, who had exercised his best judgment as to what he should do under the circumstances.

First there was a criminal prosecution instituted, but when the matter came before the grand jury and all the circumstances in the case were recited, the bill of indictment was promptly ignored, and again the insurgents were much chagrined. They did not give up the fight, however. They had powerful political influence back of them, with the Martin-Flinn organization of the state deeply interested in the outcome of this important issue as to the status of the men who follow the leadership of Flinn and Martin and vote for Democrats, Prohibitionists or any other candidates against the regular nominees of the Republican organization.

A civil suit for damages was next brought and the strongest legal talent available was retained to make the best possible presentation of the case in favor of the representative of the insurgent cause. After the matter was fully argued and all the opinions and other precedents were presented to the court, Judge Hemphill took ample time to carefully consider and weigh all the facts in the case. His conclusions in the matter spread demoralization among the advocates of fusion in every quarter of the commonwealth.

JUDGE HEMPHILL'S OPINION.
Judge Hemphill, in his opinion citing the facts of the case, wrote:

"Edwin W. Thomas vs. Thomas C. Smith. In the court of common pleas of Chester county, No. 17, to October term, 1899. Trial by court without a jury.
"This is an action of trespass to recover damages for the rejection of plaintiff's vote at a Republican primary election held in the eastern precinct of Tredevin township in June, 1899, and the following are our
"FINDINGS OF FACTS:
"The defendant was the duly elected and qualified judge of a primary election held by the Republicans of the eastern district of Tredevin township, at Stratford, on June 3, 1899. The plaintiff offered to vote at said election, and was challenged by William P. Helte, on the ground that he had not supported the Republican ticket at the last general election, whereupon the defendant declined to receive his vote unless he would be sworn or affirmed to and sign a printed affidavit, of which the following is a copy:
"State of Pennsylvania, county of Chester, ss.
"Personally appeared before me, a judge of the Republican primary election of the township of _____, who, being duly affirmed, or sworn, according to law, doth depose and say that he voted the Republican ticket at the last general election as required by the rules of the Republican party.
"Affirmed, or sworn, before me this 3d day of June, A. D. 1899.

"which had been furnished him with the other election papers and blank, and which he understood to be in compliance with the requirements of that portion of rule 3 of the rules of the Republican party of Chester county, that reads as follows: 'On Saturday next before the time of holding the nominating convention, the Republicans of the different boroughs, wards, precincts, townships or election districts, who, if challenged, will make a declaration to support the party and an affidavit that they voted the Republican ticket at the last general election, shall assemble at the usual places of holding delegate election _____ and elect by ballot the delegate or delegates to represent them in said nominating convention.'

"The plaintiff refusing to make the

affidavit his vote was rejected as it was also when offered a second time, and for the same reason.
"The plaintiff had generally cooperated with and supported the Republican party and had been considered and treated as a Republican, having been elected by that party inspector of elections, assistant assessor, and from 1887 to the present time township auditor, but in 1898 had opposed the election of Governor Stone and actively supported the fusion legislative ticket, composed of equal numbers of Democrats and Republicans, in opposition to the regular Republican nominees.

"As judge of the election, the defendant, when plaintiff's vote was challenged, had a sworn and judicial duty to perform, viz.: to determine whether under the rules of the Republican party he had or had not a right to vote, and this he did, and as far as the evidence discloses conscientiously and without malice or any animus whatever.
POINTS OF FACT.
"The following points were presented by the defendant:
"The court is respectfully requested to find
"1. That under the rules of the Republican party of Chester county, plaintiff was not entitled to vote at the Republican primary election held June 3, 1899, after being challenged until he had made (1) a declaration to support the party; (2) an affidavit that he voted the Republican ticket at the last general election.
"2. That in refusing plaintiff's vote defendant performed a judicial act, in which he would not be answerable for a mistake of judgment or a mistake of conclusion.
"3. The plaintiff had failed to show that the action of the defendant in refusing plaintiff's vote was willful or malicious or that such a refusal was unlawful or illegal.
"4. That plaintiff had failed to prove a clear and intentional dereliction of duty by defendant.
"5. That defendant in refusing plaintiff's vote was acting within the limits of his jurisdiction as judge of election of the Republican primary meeting, and incurred no legal liability for a mistake of judgment.
"6. That plaintiff's action can not be sustained and judgment must be entered for defendant.
"7. That judgment of non-suit must be entered against plaintiff.
"We do not deem it necessary to pass upon these points seriatim, as all that are material to the issue will be found answered in either our findings of fact or conclusions of law.

"Under the provisions of the act of June 29, 1881, to regulate the holding, etc., of primary elections, the defendant was required to take and subscribe to an oath or affirmation that he would 'impartially and faithfully perform his duties' in accordance with the rules and regulations adopted by the Republican party of Chester county, for the government of primary elections, meetings or caucuses, and the same act subjects him to a heavy fine 'if he shall willfully disregard or violate the provisions of any rule duly made by the Republican party of Chester county for the government of the primary elections of the party,' or if he 'shall knowingly reject the vote of any person entitled to vote under the rules of said party,' or if he 'shall knowingly receive the vote of any person or persons not qualified as aforesaid.'

"When, therefore, the plaintiff's vote was challenged it became the duty of the defendant, under his oath or affirmation, as judge, to determine whether it should be received or rejected, and this in accordance with the rules of the Republican party of Chester county.
"He was consequently compelled to construe those rules, which he did (and it is not questioned) by holding that plaintiff was not entitled to vote unless he would make affidavit that he 'voted the Republican ticket at the last general election.'

"That affidavit the plaintiff declined to make and his vote was rejected."
After citing a number of precedents in both this country and in England, to sustain his position, Judge Hemphill directed that judgment be entered by the prothonotary in favor of the defendant.
INSURGENTS DEMORALIZED.
This decision has spread consternation in the ranks of the insurgents.
Men who take an interest in politics usually like to be identified with one of the great political organizations. They believe in certain fixed principles and they wish to be regarded as supporters of the party representing such principles.
Even some of the most ardent advocates of fusion at this time, when put to a test, admit that they would not be identified with the Democratic party under any circumstances. They are, however, in opposing regular Republican candidates for the legislature giving the most valuable assistance possible to the Democratic machine in this state. It is hardly possible that Pennsylvania can become one of the doubtful states in the approaching presidential campaign, but if there shall be a question of the Republicans continuing in control of congress, Pennsylvania and her delegation in the national senate and house may be an important factor in deciding whether the next Republican administration shall be backed by a Republican congress.
It is therefore important that every legislative district that can be carried by the Republicans this fall shall be won, so that there shall be no question of the election of a Republican to the United States senate to succeed Colonel Quay. The running of fusion tickets may imperil the election of many of the candidates of the Republican party for the state senate and the house, and it is therefore essential that the lines of the Republican organization shall be held intact and that every effort shall be made to defeat the plans of the fusionists who seek to draw Republicans from voting the full Republican ticket. There will be a full delegation to the national house of representatives to elect and the fusion campaign will undoubtedly place in jeopardy several of the congressional districts which should be carried by Republicans.

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For Philadelphia, New York and intermediate stations—Leave Williamsport 7:42 a.m., 10:00 a.m., arrive Halls 7:59 a.m., 10:19 a.m. For Shamokin and intermediate stations—Leave Williamsport 4:30 p.m., arrive Halls 4:51 p.m.
From Philadelphia, New York and intermediate stations—Leave Phila. 10:21 a.m. and 11:36 p.m.; leave New York via Phila. 7:30 a.m., 9:00 a.m.; leave New York via Tamuqua, 9:10 a.m. Arrive Halls, 6:34 a.m. and 5:21 p.m.
From Shamokin and intermediate stations—Leave Shamokin 8:10 a.m. Arrive Halls 9:49 a.m.
Connecting with L. V. R.R. at Satterfield.
For Towanda and intermediate stations, leave Wilkesbarre 3:05 p.m.; arrive at Satterfield 6:25 p.m.
For Towanda and intermediate stations, leave Bernice 6:40 a.m.; arrive Satterfield 7:04 a.m.
For Wilkesbarre and intermediate sta-

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TIME TABLE.
In effect Monday Dec. 11, 1899.
Corrected to February 22 1900

Read down				STATIONS				Read up			
A. M.	A. M.	P. M.	P. M.	A. M.	A. M.	P. M.	P. M.	A. M.	A. M.	P. M.	P. M.
8 05	10 25	12 55	4 15	.....	5 25	7 50	9 45	12 00	4 00	.....	.....
8 09	10 30	1 00	4 18	.....	5 30	7 55	9 41	11 55	4 05	.....	.....
8 20	10 40	1 10	4 27	.....	5 40	8 05	9 52	11 45	3 45	6 06	.....
.....	4 35	.....	5 45	.....	9 55	11 37	3 37	5 50	.....
.....	4 39	.....	5 50	.....	10 00	.....	3 34	.....	.....
.....	4 41	.....	5 55	.....	10 05	.....	3 31	.....	.....
.....	4 46	.....	6 00	.....	10 14	.....	3 28	.....	.....
.....	4 56	.....	6 05	.....	10 19	.....	3 14	.....	.....
.....	5 01	.....	6 10	.....	10 24	.....	3 11	.....	.....
.....	5 06	.....	6 15	.....	10 33	.....	3 06	.....	.....
.....	5 11	.....	6 20	.....	10 42	.....	3 00	.....	3 00
.....	5 26	.....	6 25	.....	10 51	.....	2 55	.....	2 55
.....	5 43	.....	6 42	.....	11 00	.....	2 50	.....	2 50
.....	5 45	.....	6 45	.....	11 05	.....	2 45	.....	2 45
.....	5 50	6 50	11 14	2 40	2 40
.....	6 02	7 02	11 23	2 35	2 35
.....	6 11	7 11	11 32	2 30	2 30
.....	6 15	7 15	11 36	2 25	2 25

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For Towanda and intermediate stations, leave Bernice 6:40 a.m.; arrive Satterfield 7:04 a.m.
For Wilkesbarre and intermediate sta-

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2 pounds of Rio Coffee for 25c.
8 bars of Lenox Soap for 25c.
No. 1 mackerel per pound 8c.
Best Sugar Coated Hams @ 11c per lb.
Buckwheat Flour 25 pound sack 45c.
Buckwheat Flour 100 pounds, \$1.80.
Yellow Corn per 100 pounds 90c.
Corn Meal or Cracked Corn 90c.
Corn, Oats and Barley Chop 90c.
Wheat Bran 200 pounds \$1.50.
Flour middlings, 140 pound sack \$1.40.
Fine middlings 200 pounds \$1.60.
Flour per sack \$1.00.
Winter Roller per sack \$1.00.
Good Flour 90c.
Rye Flour 25 pounds, 50c.
Graham Flour 1 1/2 pounds 30c.
Common Fine Salt per barrel \$1.20.

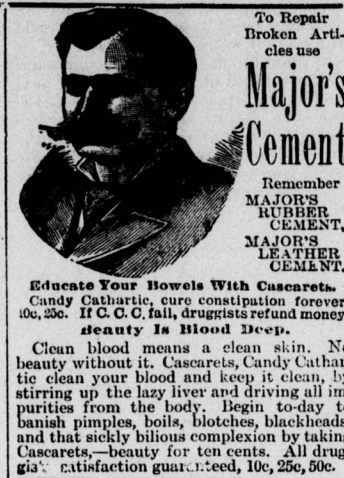
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Hemlock Flooring any width desired,
Hemlock Lath both 3 and 4 feet long,
Hardwood Flooring both Beech, Birch or Maple,
The same woods in 3-8 ceiling.
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