## THE EVENING HERALD.

VOL. VIII .-- NO. 40

SHENANDOAH, PA., TUESDAY, APRIL 18, 1893.

ONECENT

# AN OPENER

That is just what we are going to do. Open your eyes to a realization of the fact that you can buy more goods for 50 cents at the Shenandoah

### Ready-Pay Store

Than anywhere else for \$1.00. They are all fresh goods-moving daily-and as good as any in the market.

#### Everything in the Grocery Line

Not in this list sold at extremely low prices. Give us a call and be convinced.

### NOTE WELL THE PRICES:

Best family flour, (quality guaranteed) per 100 lbs	Mackerel, large, fat and white.  per kit
30-lb pail best jeily 90	3 dez large green pickles
7 11 (1. 0)	Chow Chow and mixed pickles,
20 " " 70	per qt
30 " " preserves 2 00	1 lb Joker plug chewing tobacco
34 " " " 25	1 ib Gail & Ax smoking
1 toy pail apple butter, 5 lbs 25	7 cans best table peaches 1
10 3-lb bars yellow soap 1 00	LATING A MANUFACTURE PROPERTY AND ADDRESS OF THE PARTY AND ADDRESS OF T
9 pieces yellow soap 25	Troi o or only o momminimum
6 pieces Miners' soap 25	A PONDER WHEN FROM A PARTITION AND A PARTITION
6 pieces white scap	a processo planel intRe presentation
4 qts soup beans	The second secon
5 lbs XXX soda crackers	London Contracting and the second first work
4 lbs Muscatelle raisins, no stems 25	The particular by the property of the party
1 lb best Sultana prones 10	The state of the s
3 lbs evaporated apples 25	
4½ lbsdried pears 25	Pure rider vinegar, apple juice
4 lbs small pretzels 25	only, per gallon
8-lb box silver gloss starch 15	Cigary, per box of 100, from \$1 to 6
6 lbs loose silver gloss starch 25	Gold Dust washing powder 4 th
1 keg of best Holland herring 55	box
Mackerel, large, fat and white, per lb	Cottoline, in 3 and 5 lb pail, per lb
per aummannament Le	Control of the control of the second of the

All goods promptly delivered free of charge. Mail orders will receive careful and prompt attention.

# SHENANDOAH READY-PAY ST

114 South Main Street.

### 'arpets and Oil Cloths.

New Styles and Handsome Patterns-Received almost daily. It you want them sewed, ready for moving or house cleaning.

ORDER THEM NOW.

### Bretzels or Pretzels

Agency for the Original MORAVIAN BRETZELS. The finest article of the kind made.

—HIGH GRADE——

### FULL ROLLER FLOUR,

- \$4.50 Per Barrel.-

AT KETTER'S

THE COURTS' OPINION IN THE WATER CASE.

JODGE WEIDMAN'S VIEWS IN FULL

The Water Company's Petition Was Thrown Out Because the Contest Raised Could Not be Considered.



report of the opinion handed down by the court at Pottsville yesterday in the injune tion suit of the Shenandoah Water & Gas Co. vs. the Borough of wit: Shenandoah. The report is verbatim and

ves all the review as made by Judge Weidman. Judge Bechtel's opinion was a verbal

Opinion: On July 11, 1892, a petition was filed in this court by seventy-one citizens of Shenandoah asking that their petition should be filed of record, that a time for hearing be appointed, that a rule be granted upor respondents to answer their complaint, that in order be granted to correct the mistake o the election officers of the several wards o said borough and declaring that the certifi cate issued for the increase of indebtedness is 00 mull and void; that it be decreed that the action of the members of the Town Council and others associated with them was wholly illegal and that the petitioners be not re quired to pay the tax proposed to be levied and that the Council of said borough, its tax collectors, assessors and other officers b restrained from levying a tax upon petitioner and the people of said borough by virtue or by reason of the special election held for increasing the indebtedness of said borough and that said election was unauthorized, illegal and void and of no effect as concern ing any of the citizens of said borough; and for such other action as to the court may

On the same day, all the Judges being present at the making of the application, the petition of M. P. Fowler, et. al., contesting the election for the increase of the indebted ness of the Borough of Shenandouls, was deemed sufficient for filing and the same was 12 directed to be filed in the Court of Quarter 25 Sessions of the Peace and it was directed that 00 notice of the filing of the said petition be time shall be fixed for the filing of an auswer. The court also granted a rule upon said petition to show cause why said election should not be set aside, returnable on the

tioners, as stated in mid petition, is that the bolough authorities in their proclamation calling for the election published certain false and misleading statements of fact which deceived the voters, viz: (1) as to the amount of the assessed valuation of property in said borough; (2) as to the amount of the available ussets of said borough: (3) as to the rate of percentage which said indebtedness would represent of the assessed valuation of said. orough; (4) as to the cost of the proposed

They further complain that the form of require them to pay money in the form of taxes which is not legally due; that the flling of the return was illegal; and that the certificate setting out the number of votes east was itlegal.

On December 19, 1892, respondents, the Chief Burgess and Borough Council of Shenandcab, flied a motion to quash this petition setting outlithe following reasons, viz:

11. That the Court has no jurisdiction in the maxter; that the laws allowing election contests refer exclusively to the election of

117. That it is not charged that the election was illegally held erconducted, or that illegal officers of such municipality to prepare a votes were received, or legal votes rejected, or statement, showing the actual indebtedness that the election officers were guilty of any of such district, the amount of the last pre-error or misconduct whatever, or that their ceding assessed valuation of the taxable return of said election was in any respect untrue or incorrect; and that there is nothing in said petition that in anywise impeaches maturity of the obligations to be issued therethe honesty and integrity of said election, or for, and the amount of the annual tax levied of the return thereof.

IV. That the petition does not show wherein it is claimed that the election was undue

due or illegal but also "that that the return upon failure so to do shall be guilty of a missibottle, at C. H. Hagenbuch, P. P. D. Kirlin, thereof is not correct;" that in this case the demeaner, &c., and that certified copies of J. M. Hillan, and other druggists. affidavit is fatally defective in this respect in such record, &c., shall be competent evimerely stating "that the return thereof being dence, &c. illegal is incorrect."

body of the affidavit and the fact that they require the returns of election on township. Most of us, whother with plenty of money show that they were sworn

case is in substance and to all intents and shall be exclused in a scaled cover, directed purposes a Bill in Equity and the Court of to the Prothosotary of the Court of Common Quarter Sessions has no jurisdiction in the Pleas of the proper county, and shall, by dry. Everything white and spotiess. Lace premises or authority to administer any of some one of them, be delivered into his office curtains a specialty. All work guaranteed the relief prayed for.

court by statute such authority was to be quire the returns of the election of township found only in statutes enacted since 1873, and borough officers to be directed to the The statutes relied upon by the contestants clerk of the Court of Quarter Sessions of the are the Acts of 1574 and of 1801.

of 1873 provides that "The trial and deter- the Act above cited. From this reference to mination of contested elections of electors of the Acts of Assembly it appears that by the President and Vice President, members of the general laws then in force the court was not General Assembly, and of all public efficers, required to count the vote in boroughs, or in whether state, judicial, municipal or local, fact it has never been done in this count; shall be by courts of law, or by one or more under these acts, and that in fact the legal of the law Judges thereof; the General requirements are fulfilled, so far as borough Assembly shall, by general law, designate elections are concerned, by filing the return the courts and judges by whom the several with the Clerk of Quarter Sessions of the classes of election contests shall be tried, and proper county. The language used may be regulate the manner of trial and all matters explained by the fact that in municipalities incident thereto."

mandate by a general law (P. L. 1864, p. 208) Whether this requirement satisfactorily accepted this classification and enacted "that explains the use of this expression or not, the the several classes of elections which may be use of it cannot reasonably be given such contested in this Commonwealth are hereby force as to repeal the law as declared in the distinguished and designated as follows, to two statutes above cited which were both

of the Commonwealth.

dent of the United States and all officers of as conferring upon the Court the power to this Commonwealth (except Governor and assume jurisdiction of a contest but the Lieutenant-Governer) who are now or here- claim is founded upon the theory that as the after shall be required to be elected by the returns are brought by the d region of the qualified voters of the state at large.

Judges of the Supreme Court.

my other division of the state."

cfore a committee selected from both houses of the General Assembly; cases of the second where the person returned or elected shall the fourth class shall be tried and determined And by way of further illustration of the by the court of Quarter Sessions of the Peace of the county in which the election contested shall be held."

So far as this Act speaks there are only our classes of elections "which may be conested in this Commonwealth" since that Act, and of these four classes there is only one class, vis : the fourth, with which the Court of Quarter Sessions is empowered to deal. Is this special election on the question of the increase of indebtedness in the bor

ough of Shejandonh embraced in that class? To quote the language of the Act is to answer this question in the negative. It relates only to "officers" "elected by the 00 served on all the officers of the Borough of qualified voters" "of boroughs," &c. It is last preceding assessed valuation therein, i She nandoah by copy of this order; that a not pretended that the title of any officer to copy of said petition be served on such an office of this borough is in controversy. several officers, and that a hearing be had on It may be well to observe that the petition Monday, the 18th day of July, 1892, when a and order of Court in this case seem to have seen framed in pursuance of the directions stated in the \$18 of this Act.

> It is further argued by the petitioners that d by Act of 1891, p. 254) at the pl time and under the same regulations as pro vided by law for the holding of municipal elections; that the judges and inspectors of such elections are to receive the tickets, &c ... and to deposit said tickets in a box provided for that purpose, as is provided by law in regard to other tickets received at said election; that the tickets so received shall be counted and a return thereof made to the Clerk of the Court of Quarter Sessions of the proper county, duly certified, as Is required by law, together with a certified copy of the ordinance and the advertisement, and that scal, showing the result to the corporate authorities of such municipality and the same shall be placed of record upon the minutes thereof; that in receiving and counting and to the Act. The 5th is dispused of by the in making returns of the votes cast, the inspectors, judges and clerks of said election. shall be governed by the laws of the Commenwealth regulating municipal elections; governing numicipal elections; and that all penulties of the election laws are extended. to the voters and officers at such elections; that before issuing any bonds or obligations it shall be the duty of the principal officer or property therein; the amount of debt to be incurred, the form, number and date of

From the above statement it appears that Man wants but little and he gets it when VII. None of the affiants are named in the we find that "Nothing in this Act shall Pa. VIII. That the petition of contest in this election of township and borough officers At the argument it seemed to be conceded filed therein." This was changed in the Presh Morris River Cove Oysters received that if jurisdiction were conferred upon this same year (P. L. 1874, p. 44) so "as to re-daily at Coalett's.

proper county, instead of the Prothonotary of Section 17, Article 8th, of the Constitution, the Court of Common Pless as avorided" in neident thereto," other than boroughs and townships the court
The Legislature in pursuance of this was then required to count the vote,

passed for the express purpose of establishing "I. The Governor and Lieutenaut-Governor the practice on this subject as to borough and township elections

11. Election of President and Vice Presi- No expression is pointed out in these Acts law itself into the bands of the Clerk of the III. The Judges of the several courts of Quarter Sessions court for the purpose of ecord, to be learned in the law, other than making a record in that court the court by the common law would have control of this IV. All other afficers (excepting members record to determine its truth or falsity to the of the General Assembly whether elected by extent of a determination of the legality and the qualified voters of counties, cities, towns regularity of the election. For such an inships, boroughs, wards, school districts, or ference no authority is cited. On the other and in the case of Auchenbach vs. Selbert, By this Act cases of the first class are triable [120 Pa., 170, the Supreme Court have recently said, in speaking of the parisdiction of the Court of Quarter Sessions, "It is has before the Judges of the Common only in contested election cases that the Pleas of Dauphin county; cases of the third Court has jurisdiction, and as this juris class in the Common Piecs of the county diction is not one of common law it cannot be extended by implication beyond the pre reside; and by \$16th of said Act, "Cases of scriptions of the Act in which it originates." rejustance of courts to transcend the limits of jurisdiction as defined by statute we refer to Huiseman et al., vs. Rennetal, 41 Pa., 401 Collins' case, 2 Gr., 214; Re Election 19th ward, 1 W. N. C., 114; Skerrett's case, S

Parson's Eq. Cases, p. 509. Whether the omission to provide for a con test of such an election was intentional or simply overlooked we do not know, but it this connection it is to be observed that the municipality is not left entirely unprotected. of my county, city, borough, etc., shall be equal to seven per centum upon the assessed valuation of taxable property, as fixed by the shall be undereful to increase the same, and all such increase shall be rold and any obligation and for such increase, or any part thereof shall be of no binding force upon such municipality; and each of the officers thereof Court trying the same."

question mised by this petition.

Some of the other exceptions require the election was undue and illegal, not mat- to accept a substitute. ing the facts showing that it was tilegal Judge King In Skerrett's case, 2 Parsons 509 thought that this in itself was a fatal defeet,

is incorrect. The 6th and 7th exceptions seem to be as it is for a very worthy cause mere irregularities and to practically conform conclusion stated above on the question of

As the allegations made against the regulurity and legality of the election are before and that the votes shall be counted by the the Court in smeller form of procedure in large composing stones, which will keep the must as is now provided by general laws view of our conclusion we refrain from any office to the front with facilities to till large usion of them in this connection.

And now, April 17th, 1893, the above notice, petition and all proceedings thereon are dismissed for want of jurisdiction. BY THE COURT.

And now April 17th, 1893, D. C. Henning Attorney for petitioners, take for an exception. The court grant the same and scal a

> MASON WEIDMAN. Additional Law Judge

Every family should have the Genuine Imported Anchor Pain Expeller in the house and assessed to pay the said indebtedness. It is the best known remedy for influence, that he shall make and append thereto his Backache, Palus in the Side, Chest and oath or affirmation of the truth of the facts Joints. It is and ever will be the best remtherein stated and shall file the said state-edy for all Rheumatic complaints. 29 prize and Mt. Carmel divisions were paid in the ment in the effice of the Clerk of the Court medals awarded to the manufacturers of this not only that the election contested was unof Quarter Sessions of the proper county and valuable proparation. 25 and 50 cents a player received their pay in the afternoon.

vi. That Charles W. Dengler, being a con- the vote shall be counted by the court as is he buys a cheap eigasume in preference to estant and party in interest, was not qual- now provided by general laws governing the "Admirsl." This eigarette is not made ified to administer the eath to his fellow con- municipal elections. What is this method? by the trust. For further particulars call on Turning to the Act of 1874 | 13 (P. L., p. 38) or address B. Labows & Co., Mahanoy City,

aigned their names thereto does not per at or borough officers to be made to the court as or friends, often need a good Cough and directed in this section, but all returns of the Croup remedy. Dr. Coxe's Wind Cherry and Seneka filis the bill.

Best work done at Brennan's Steam Laun

#### GRADUALLY INGREASING

THE FOLLING IN THE POPU-LAR TEACHERS' CONTEST.

His Stein is Steadily Drawing Up to the 50 000 Mark-Miss Connelly is Also Making Long, Steady Strides-The

Agnes Stein 47298
Mame H. Wasley
Nellie Baird
Mary A. Connelly 17807
Michala Patrchitd11780
Frank B. Williams 8085
Carrie Paust
Anna M. Dengler
Mary A. Lafferty
Bridget A. Burss
Carrie M. Smith
Hattle Hess 1894
Lillie B. Phillips
Mary A. Stack
James B. Lewis 940
Ella Clauser
Hannah Reese 545
Maggie Cavanaugh
Clara Cline 506
Annie Mansell 560
Irene Shane 567
Sadie Daniell 409
Jennie Ramage
Lieste Lehe
Lizzie O'Connell 105
Votes polled Saturday 1945
Grand total 181217
The charge of months has no effect order

The change of weather has no effect upor the HERALD's popular public school teachers' ontest. Messengers continue to pay their isits to the contest editor daily with sackages of votes in rain and sunshine and it. s very seldom that the poll of votes for a day fall below 2,000. The average is far above that figure. The grand total figures are conning to a high notch and within a week will probably be up to 200,000.

Rheumstism is quickly cured by using traics and Oil Liniment. Married.

John McGowan, the East Centre street boot and shoe dealer, and Miss Ellen F. Finnerty. formerly a teacher in the public schools of this borough, were married at the Annunciation church on West Cherry street this arring at 9 o'clock, Rev. Father Kane emciating. Miss Eliza J. Finnerty, sister of the bride, was the bridesmaid, and George Decker, the groomsman. Only immediate friends of the contracting parties were The Act provides "That whenever the debt present. Mr. and Mrs. McGowan left town immediately after the ceremony for a brief tour, which will include visits to Philadelphia and New York.

Hareno Equal.

Alleock's Porous Plasters bave attained a world-wide reputation solely upon their superlative merits. They have many would-be rivals but have never been equalled or even approached in carative properties and rapidiwilfully authorizing such increase, or exe- ty and safety afaction. Their value has been cuting any obligation therefor, shall be guilty attested by the highest medical authorities the Act of 1874 authorizing municipalties to of a misdemeasor, and upon conviction as well as by unimpeachable testimon into increase their indebtedness (P. L. 1874, p. 65) thereof, shall be fined not exceeding \$10,000 from those who have used them, and they requires ( ? 3) the election to be held (as and undergo an imprisonment not exceeding are recommended as the best external remedy for weak back, rheumatism, sciatica, colds, coughs, sore throat, chest and stomach However that may be this Court mems to affections, kidney difficulties, weak muscles, he without jurisdiction to determine the strains, stitches, and aches and pains of every description.

Beware of imitators, and do not be deceived notice. The 4th exception claims that the by misrepresentation. Ask for Allcock's, and petition is defective in not stating wherein let no solicitation or explanation induce you

The G. A. B. Fair.

The fair to be held in Robbins' opera booms The Act requires the ailidavit to state that under the auspices of Watkin Waters Post, "the return thereof" is not correct. The No. 146, G. A. R., for the benefit of the bailed used was illegal; that the election was believed in violation of and without authority of law; that the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of the election will be to law; the result of fair will be liberally patronized by the public,

> USE DANA'S SARSAPARILLA, COS "THE KIND THAT CURES."

Additional Equipment.

The equipment of the HERALD office was: yesterday enlarged by the addition of four orders for all kind of printing at short

When you are troubled with dissiness your appetite all gone, and you feel bad generally, take a few desca of Dr. Henry Baxter's Mandinke Bitters, and you will be surprised at the improvement in your feelings. Every bottle warranted to give satisfaction.

Lehigh Pay Day

The employes of the Lehigh division of the Philadelphia and Reading Railroad system were made happy yesterday by a visit of the pay car. All the employes of the Delano, Mahanny City, Shenandoah, Ashland

> USE DANA'S SARSAPARILLA. ITW "THE KIND THAT CURES."

To complete! files, two copies each o the EVENING HERALD of January 1st, 2d and ith, and February 5th, 1892. A liberal price will be paid for the same.

Buy Keystons flour. Be sure that the name Lussiu & Barr, Ashland, Pa., is printed

Superior goods at 25 per cent. lower than sewborn at Holderman's lowelry store. If

CARPET BEATERS.

All Kinds, at

Fricke's Curpet Store, S. Jardin St.